



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***AUGUST 5, 2002
12:15 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

1. Call to Order--Roll Call.

A communication from Mayor Ralph K. Smith requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

P. 10

Briefing from the City Manager with regard to curb, gutter and sidewalk. (15 minutes.)

P. 11

Briefing from the Director of Finance with regard to the General Fund, Year-end Capital Maintenance and Equipment Replacement Projects and the Governmental Accounting Standards Board 33. (30 minutes.)

P. 12

THE MEETING WILL BE DECLARED IN RECESS TO BE IMMEDIATELY RECONVENED IN THE EMERGENCY OPERATIONS CONFERENCE ROOM, ROOM 159, FIRST FLOOR, NOEL C. TAYLOR MUNICIPAL BUILDING, S. W., IN CONNECTION WITH THE TWO BRIEFINGS.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***AUGUST 5, 2002
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend Diane Scribner Clevenger, Pastor, Unity Church of Roanoke Valley.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, August 8, 2002, at 7:00 p.m., and Saturday, August 10, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

A resolution memorializing the late Sylvian Elaina Loritts.

R. 13

3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Minutes of the regular meeting of City Council held on Monday, June 17, 2002.

P. 15

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

C-2 A communication from the City Manager requesting that Council schedule a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to the vacation and dedication of a sanitary sewer easement located at 3138 Gum Spring Street, S. E.

P. 84

RECOMMENDED ACTION: Concur in the request.

C-3 A communication from the City Manager requesting that Council schedule a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposed lease of City-owned property located in the 4100 block of Wyoming Avenue, identified as Official Tax No. 2770406, to Cellco Partnership, a Delaware general partnership, d/b/a/ Verizon Wireless.

P. 85

RECOMMENDED ACTION: Concur in the request.

- C-4 A communication from the City Manager requesting that Council schedule a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, in connection with a Deed of Release and Dedication of a Quitclaim Deed for a new waterline easement to be located at the Falling Creek Filtration Plant.

P. 87

RECOMMENDED ACTION: Concur in the request.

- C-5 A communication from William E. Skeen tendering his resignation as a Trustee of the Roanoke City School Board, effective July 24, 2002.

P. 89

RECOMMENDED ACTION: Receive and file the communication and accept the resignation.

- C-6 Qualification of the following persons:

Susan W. Jennings as a member of the Roanoke Arts Commission for a term ending June 30, 2005;

David K. Lisk as a member of the Roanoke Valley-Alleghany Regional Commission for a term ending June 30, 2003;

Stanley G. Breakell and Pamela S. White as members of the Roanoke Public Library Board for terms ending June 30, 2005;

Fredrick M. Williams as a member of the City Planning Commission, to fill the unexpired term of Alfred T. Dowe, Jr., resigned, ending December 31, 2004;

John C. Moody, Jr., as a member of the Board of Fire Appeals for a term ending June 30, 2006;

Lylburn D. Moore, Jr., as a member of the Personnel and Employment Practices Commission for a term ending June 30, 2005;

Sherman A. Holland as a member of the Roanoke Valley Area Metropolitan Planning Organization for a term ending June 30, 2005; and

Glenn D. Radcliffe as a member of the Human Services Committee for a term ending June 30, 2003.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

4. PUBLIC HEARINGS:

- a. Public hearing to receive views of citizens regarding appointment of a School Board Trustee to fill the unexpired term of Sherman P. Lea, resigned, ending June 30, 2003. Candidates for the position are:

Edna Crabbere
David Dabay
F. B. Webster Day
John W. Elliott, Jr.
William H. Lindsey

5. PETITIONS AND COMMUNICATIONS: NONE.

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. A communication recommending the use of competitive negotiation as the method to secure a management company for the Market Building.

P. 90; R. 92

2. A communication recommending the use of competitive negotiation as the method to secure vendors to provide job readiness training for clients of the Employment Services Program within the Department of Social Services. P. 94;
R. 96
3. A communication recommending acceptance of a certain Local Law Enforcement Block Grant from the United States Department of Justice, in the amount of \$129,407.00, with the City to provide an additional \$14,379.00 in local match; and appropriation of funds in connection therewith. P. 98;
B/O 100;
R. 101
4. A communication recommending acceptance of a Local Government Challenge Grant from the Virginia Commission for the Arts, in the amount of \$5,000.00; and appropriation of funds in connection therewith. P. 102;
B/O 104;
R. 105
5. A communication recommending acceptance of a grant award under the Temporary Assistance for Needy Families (TANF) Hard-to-Serve Project from the Virginia Department of Social Services, in the amount of \$207,933.00; and appropriation of funds in connection therewith. P. 106;
B/O 108;
R. 109
6. A communication recommending acceptance of a grant from the U. S. Environmental Protection Agency in connection with vulnerability assessments of the City's potable water systems, in the amount of \$115,000.00; and appropriation of funds in connection therewith. P. 110;
B/O 112;
R. 113
7. A communication recommending execution of a 2002-03 Community Development Block Grant (CDBG) Program Agreement with the Blue Ridge Small Business Development Center, in the amount of \$105,000.00. P. 114;
R. 131
8. A communication recommending execution of a 2002-03 Community Development Block Grant (CDBG) Program Agreement with the Roanoke Regional Chamber of Commerce, in the amount of \$105,000.00. P. 132;
R. 158

9. A communication recommending acceptance of a bid submitted by H. & S. Construction Co., for construction of a greenway connecting Elmwood Park and Piedmont Park, by way of Williamson Road, Walnut Avenue Bridge, and Riverview Boulevard, S. E., in the amount of \$655,761.20, and rejecting all other bids received by the City; and donations from the Horace G. Fralin Charitable Trust, Branch Highways, Inc., J. M. Turner and Co., Inc., and Lanford Brothers Co., in connection with the Mill Mountain Greenway project.

P. 159;
B/O 168;
O. 170;
R. 172

10. A communication recommending appropriation of \$400,000.00 in capital fund interest earnings in connection with the YMCA Aquatic Center and the Roanoke River Greenway Projects.

P. 174;
B/O 176

11. A communication recommending appropriation of \$80,346.00 to provide funds to the Fifth District Disability Services Board.

P. 177;
B/O 179

12. A communication with regard to the Fifth Planning District Regional Alliance's Regional Economic Strategy.

P. 181;
R. 183

b. **DIRECTOR OF FINANCE:**

1. Financial report for the month of June 2002.

P. 185

7. REPORTS OF COMMITTEES:

- a. A report from the Architectural Review Board requesting that Council review proposed changes to the streetscape for Kirk Avenue between Market Street and Williamson Road, S. W. Robert N. Richert, Chair, Spokesperson.

P. 220

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. Ordinance No. 35977, on second reading, authorizing the proper City officials to enter into a Deed of Lease Extension between the City of Roanoke and Roanoke Valley Swimming, Inc., for the lease and operation of certain City-owned property known as the Gator Aquatic Center, upon certain terms and conditions.

P. 221

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

- a. Request of Sensei Joseph Catlett, Jr., to address Council with regard to a combat arts program for City youth.

12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED SESSION.

THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL TUESDAY, AUGUST 13, 2002, AT 9:00 A.M., IN THE EXECUTIVE BOARD ROOM AT BERNARD'S LANDING RESORT AND CONFERENCE CENTER, 775 ASHMEADE ROAD, MONETA, VIRGINIA, FOR A CONTINUATION OF CITY COUNCIL'S PLANNING RETREAT.

**CITY OF ROANOKE
OFFICE OF THE MAYOR**

215 CHURCH AVENUE, S.W., ROOM 452
ROANOKE, VIRGINIA 24011-1594
TELEPHONE: (540) 853-2444
FAX: (540) 853-1145

RALPH K. SMITH
Mayor

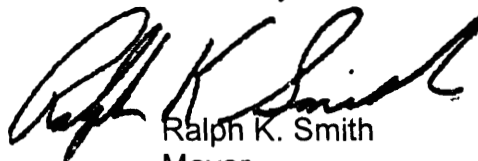
August 5, 2002

The Honorable Vice-Mayor and
Members of the Roanoke City Council
Roanoke, Virginia

Dear Members of Council:

I would like to request a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,



Ralph K. Smith
Mayor

RKS:sm

**CITY OF ROANOKE
OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 5, 2002

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Curb, Gutter and Sidewalk

This is to request space on Council's regular agenda for a 15-minute briefing on the above referenced subject.

Respectfully submitted,


Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
Director of Finance
City Clerk

CITY OF ROANOKE
DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

JESSE A. HALL

Director of Finance

email: jesse_hall@ci.roanoke.va.us

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

August 5, 2002

Honorable Mayor and Members of City Council
Roanoke, Virginia

Dear Mayor and Members of Council:

Subject: Briefing

This is to request space on your 12:15 agenda for a 30-minute briefing on the General Fund, year-end CMERP, and Governmental Accounting Standards Board 33 (GASB 33).

Sincerely,



Jesse A. Hall
Director of Finance

JAH:ca

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney

MMW

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION memorializing the late Sylvian Elaina Loritts, a citizen of Roanoke since 1977.

WHEREAS, the members of Council learned with sorrow of the passing of Ms. Loritts on Sunday, July 14, 2002; and

WHEREAS, Ms. Loritts was born and raised in Newark, New Jersey; and

WHEREAS, Ms. Loritts worked for Bell Laboratories in New Jersey before moving to Roanoke; and

WHEREAS, Ms. Loritts was dedicated to serving the Roanoke community, and was an active member of the NAACP (Roanoke Branch); and

WHEREAS, Ms. Loritts served on the Fair Housing Board from September 1995 until April 2001, and convinced the Board to undertake many initiatives that were started by her; and

WHEREAS, Ms. Loritts was a member of the Roanoke Neighborhood Partnership Steering Committee, the Youth Services Citizen Board and the American Business Women's Association; and

WHEREAS, Ms. Loritts was a chief poll worker for the Registrar's Office and worked as a temporary employee for the Roanoke Public Library in the Genealogy Department; and

WHEREAS, Ms. Loritts was a great community activist, encouraging people to register to vote and to get involved in their community.

WHEREAS, Ms. Loritts was a faithful member of the High Street Baptist Church, where she served on the Deaconess Board and was a member of the Missionary Society.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council adopts this resolution as a means of recording its deepest regret and sorrow at the passing of Sylvian Elaina Loritts, and extends to her family its sincerest condolences.

2. The City Clerk is directed to forward an attested copy of this resolution to Ms. Loritts' sister, Lavonia Loritts Anderson, in Myrtle Beach, South Carolina, and to her brother, Dr. Crawford Loritts, Jr., in Atlanta, Georgia.

ATTEST:

City Clerk.

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

June 17, 2002

2:00 p.m.

NOTE: Some agenda items were addressed out of sequence, either because the Mayor was not present, or due to a 5:00 p.m., meeting which caused some agenda items listed on the 2:00 p.m., docket to be considered at the 7:00 p.m. session. Notation will be made, as needed.

The Council of the City of Roanoke met in regular session on Monday, June 17, 2002 at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Vice-Mayor William H. Carder presiding for a portion of the meeting and Mayor Ralph K. Smith presiding over the remainder of the meeting, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members William D. Bestpitch, Linda F. Wyatt, William White, Sr., W. Alvin Hudson, Jr., C. Nelson Harris and Vice-Mayor William H. Carder-----6.

ABSENT: Mayor Ralph K. Smith -----1.

(Mayor Smith arrived at 3:15 p.m.)

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend George L. Edwards, Pastor, Melrose Christian Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Carder.

PRESENTATIONS AND ACKNOWLEDGMENTS:

ACTS OF ACKNOWLEDGMENTS-CITY COUNCIL: Mr. Harris offered the following resolution paying tribute to the Honorable W. Alvin Hudson, Jr., for his service as a Member of Roanoke City Council from July 1, 1998 through June 30, 2002, and expressing to him the appreciation of the City of Roanoke and its people for his exemplary public service:

(#35902-061702) A RESOLUTION paying tribute to the Honorable W. Alvin Hudson, Jr., and expressing to him the appreciation of this City and its people for his exemplary public service.

(For full text of Resolution, see Resolution Book No. 65, page 149.)

Mr. Harris moved the adoption of Resolution No. 35902-061702. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Harris, Carder and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson abstained from voting.)

The Mayor presented Mr. Hudson with a ceremonial copy of the above reference measure.

(Resolution No. 35902-061702 was considered out of sequence.)

ACTS OF ACKNOWLEDGMENT-CITY COUNCIL: Mr. Harris offered the following resolution paying tribute to the Honorable William White, Sr., for his service as a Member of Roanoke City Council from July 1, 1990 through June 30, 2002, and expressing to him the appreciation of the City of Roanoke and its people for his exemplary public service.

(#35903-061702) A RESOLUTION paying tribute to the Honorable William White, Sr., and expressing to him the appreciation of this City and its people for his exemplary public service.

(For full text of Resolution, see Resolution Book No. 65, page 150.)

Mr. Harris moved the adoption of Resolution No. 35903-061702. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, Hudson, Harris, Carder and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White abstained from voting.)

(Resolution No. 35903-061702 was considered out of sequence.)

The Mayor presented Mr. White with a ceremonial copy of the above referenced measure.

ACTS OF ACKNOWLEDGMENT: The Vice-Mayor Carder recognized Dr. John McKenna, CEO, Environmental Training Services, Inc., who introduced 17 special guests from Russia, who are visiting the United States to further their learning about oil and gas development projects and the impact on the environment, in order to translate this experience into a similar democratic Russian process. He advised that training as been provided by Environmental Training Services, Inc., since June 4 and the delegation will leave the Roanoke area on June 5.

Dr. McKenna and Ms. Natalia Kee, Interpreter, assisted the Vice-Mayor in presenting City lapel pins and Honorary Citizenship Certificates to each guest.

ACTS OF ACKNOWLEDGEMENT-COMMITTEES-DISABLED PERSONS: Christene A. Montgomery, Chair, Mayor's Committee for People with Disabilities presented a plaque of appreciation to Council Member Hudson for his service as a member of the Mayor's Committee for People with Disabilities.

ACTS OF ACKNOWLEDGEMENT-DECEASED PERSONS: Mr. Harris offered the following resolution memorializing the late Right Reverend William Henry Marmion, D.D., Third Bishop of the Episcopal Diocese of Southwestern Virginia of Roanoke:

(#35904-061702) A RESOLUTION memorializing the late The Right Reverend William Henry Marmion, D.D., Third Bishop of the Episcopal Diocese of Southwestern Virginia, of Roanoke.

(For full text of Resolution, see Resolution Book No. 65, page 152.)

Mr. Harris moved the adoption of Resolution No. 35904-061702. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder -----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

The Vice-Mayor presented a ceremonial copy of the above referenced measure to Roger N. Marmion, son of the late Bishop Marmion.

ACTS OF ACKNOWLEDGEMENT-DECEASED PERSONS: Mr. Harris offered the following resolution memorializing the late Carl E. Stark, a physician and former Mayor of Wytheville, Virginia:

(#35905-061702) A RESOLUTION memorializing the late Carl E. Stark, a physician and former Mayor of Wytheville, Virginia.

(For full text of Resolution, see Resolution Book No. 65, page 154.)

Mr. Harris moved the adoption of Resolution No. 35905-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

AIRPORT-ACTS OF ACKNOWLEDGEMENT-DECEASED PERSONS: Mr. Harris offered the following resolution memorializing the late Martha Anne Woodrum Zillhardt, a longtime resident of Roanoke and Fincastle, Virginia:

(#35906-061702) A RESOLUTION memorializing the late Martha Anne Woodrum Zillhardt, a longtime resident of Roanoke and Fincastle, Virginia.

(For full text of Resolution, see Resolution Book No. 65, page 155.)

Mr. Harris moved the adoption of Resolution No. 35906-061702. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

The Vice-Mayor presented a ceremonial copy of the above referenced measure to Clifton A. Woodrum, III, nephew of the late Ms. Zillhardt.

CONSENT AGENDA

The Vice-Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to one request for a closed session to discuss vacancies on various authorities, boards, commissions and committees appointed by Council.

MINUTES: Minutes of the regular meeting of Council held on Monday, May 6, 2002, and the special meeting held on Monday, May 13, 2002, were before the body.

Mr. Harris moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

COMMITTEES-CITY COUNCIL: A communication from the Mayor requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before Council.

Mr. Harris moved that Council concur in the request of the Mayor to convene in Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

COMMITTEES-COMMUNITY PLANNING-ROANOKE NEIGHBORHOOD PARTNERSHIP: A communication from Alfred T. Dowe, Jr., tendering his resignation as a member of the Roanoke Neighborhood Partnership Steering Committee and the City Planning Commission, was before Council.

Mr. Harris moved that the communication be received and filed and that the resignation be accepted. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

OATHS OF OFFICE-PARKS AND RECREATION-COMMITTEES-YOUTH:The following reports of qualification were before Council:

Sherman A. Holland as a member of the Youth Services Citizen Board for a term ending May 31, 2005; and

Geraldine LaManna for a term ending March 31, 2003, and Carl H. Kopitzke for a term ending March 31, 2004, as members of the Parks and Recreation Advisory Board.

Mr. Harris moved that the reports of qualification be received and filed. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

CITY CODE-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting approval by Council of a minor revision in the order of the City Council agenda; whereupon, he transmitted an ordinance to provide that Comments by the City Manager will be heard immediately following the Hearing of Citizens Upon Public Matters section of the agenda, was before Council.

Ms. Wyatt offered the following ordinance:

(#35907-061702) AN ORDINANCE amending and reordaining Rule 7, Order of business; hearing of citizens, of §2-15, Rules of procedure, of the Code of the City of Roanoke (1979), as amended, to provide for reversing the order of item 11, Comments of the City Manager, and Item 12, Hearing of Citizens, in order to have the City Manager's comments follow the Hearing of Citizens, effective July 1, 2002; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 157.)

Ms. Wyatt moved the adoption of Ordinance No. 35907-061702. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris and Vice-Mayor Carder -----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

BUDGET-CIRCUIT COURT-EQUIPMENT: A communication from the Honorable Arthur B. Crush, III, Clerk of Circuit Court, advising that the Clerk of the Circuit Court is responsible, by statute, for the recordation of legal instruments which include: Land Records, Marriage Licenses, Financing Statements, Assumed Names, Wills and other Probate Records, and Law, Chancery and Criminal Orders; and these records must be maintained and be available to the public, was before Council.

It was further advised that the Optical Character Recognition System, also known as the Records Management Indexing/Scanning System, currently being used to record the above-mentioned records can no longer facilitate the volume of records being scanned; there is a need for additional, compatible equipment that will allow several operators to perform like tasks simultaneously; such equipment is available through the Supreme Court of Virginia at a cost of \$63,424.00; and funding in the amount of \$63,424.00 is available from the Compensation Board of Virginia-Technology Trust Fund.

It was explained that the Clerk of Circuit Court has been granted \$63,424.00 from the Compensation Board of Virginia-Technology Trust Fund for upgrades to and maintenance of current recordation equipment, which Grant does not require a local match.

The Clerk of Circuit Court recommended that the City Manager be authorized to execute the requisite documents to obtain funding from the Compensation Board-Technology Trust Fund, and that the Director of Finance be authorized to establish a revenue estimate in the amount of \$63,424.00 in the Grant Fund and appropriate funds to the appropriate Furniture and Equipment account.

A communication from the City Manager concurring in the recommendation of the Clerk of Circuit Court, was also before Council.

Mr. Harris offered the following emergency budget ordinance:

(#35908-061702) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 158.)

Mr. Harris moved the adoption of Ordinance No. 35908-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

Mr. Harris offered the following resolution:

(#35909-061702) A RESOLUTION accepting the grant offer made to the City by the Compensation Board of Virginia and authoring execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 65, page 159.)

Mr. Harris moved the adoption of Resolution No. 35909-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder -----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

SCHOOLS-CITY EMPLOYEES: Lissy Meranda, Director of Community Relations, Roanoke City Public Schools, expressed appreciation for the numerous collaborations between Roanoke City government and the Roanoke City Public Schools this past year which supported School Board priorities and student achievement. She also expressed appreciation for the partnership with the Office on Youth, specifically related to Student Government Day, and tours of the Municipal Building which have provided students with an increased understanding regarding the operation of City government. She called attention to an upcoming event, "Back to School Extravaganza," in which students and families will be provided with a multitude of services under one roof to help ensure that students experience a successful start for the school year. She advised that the HERO'S Program (Help Encourage Roanoke's Outstanding Educational Students") re-enforced the pillars of character education and served as career development opportunities for students, and the RISK Watch Instructional program benefitted hundred's of elementary school children. She expressed appreciation for the opportunity to showcase the fine arts talents of students by displaying their work throughout the Noel C. Taylor Municipal Building, and called attention to new initiatives with the Parks and Recreation Department, the Roanoke Redevelopment and Housing Authority, the Health Department, and the Police Department. She expressed appreciation for the partnership and support of the City of Roanoke in connection with the HOSTS Program, "Helping One Student to Succeed", and introduced Shirley Thomason, Reading Resource Teacher, Lincoln Terrace Saturn Network.

On behalf of HOSTS students at Lincoln Terrace Saturn Network, Ms. Thomason expressed appreciation to the Members of Council and to the City Manager for permitting City employees to volunteer in the program, and advised that during the last school year, 52 HOSTS volunteers, 40 from the City of Roanoke and 12 from the community, worked with 26 students in grades two and three, four days

each week from 9:30 to 10:30 a.m., and each mentor worked with the same two students each week, contributing a total of 690 volunteer hours from September 17 - May 1. She stated that each child read between 50 - 65 textbooks with their mentor, students were tested at the beginning and at the end of the school year to obtain their reading level, all students advanced and their self-esteem was raised through interaction with their adult mentors. In addition to the reading program, she advised that the mentors went the extra mile by collecting funds which enabled each child participating in the program to receive four books during the holiday season and another four books at the end of the school year. She explained that separate from the HOSTS Program, a school mail delivery program, "We Deliver", was implemented, every hallway in the school building was provided with a street name, and the City's Director of Public Works, Robert K. Bengtson, assisted in acquiring street signs that made the program more realistic. She commended the City of Roanoke for helping students at the Lincoln Terrace Saturn Network to succeed.

Chelsea Dyer, student at Lincoln Terrace Saturn Network, advised that she enjoyed working with her mentors each week, the program helped her to become a better reader and improved other learning skills, and requested that the program be offered to fourth and fifth graders.

Along with Ms. Thomason and Freida Hines, Principal, Lincoln Terrace Saturn Network, Ms. Meranda presented the City Manager with a plaque of appreciation.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: None.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-HOUSING/AUTHORITY-COMMUNITY PLANNING-GRANTS: The City Manager submitted a communication advising that ESG funds are allocated under the Stewart B. McKinney Homeless Assistance Act and must be used to provide assistance to the homeless or those at risk of becoming homeless; and Council authorized filing an ESG application through submission of the Annual Update to the Consolidated Plan to the U. S. Department of Housing and Urban Development (HUD) for FY 2002-2003 on May 13, 2002, pursuant to Resolution No. 35848-051302.

It was further advised that HUD's approval letter, granting the City access to its 2002-2003 ESG entitlement of \$76,000.00 is completing the routine release process and is forthcoming; and acceptance of the entitlement and appropriation of all funds to the accounts is needed to permit projects to proceed.

The City Manager recommended that Council adopt a resolution accepting \$76,000.00 in 2002-2003 ESG funds, contingent upon receipt of the approval letter from HUD; authorize the City Manager to execute the required Grant Agreement, Funding Approval, and other forms required by HUD in order to accept the funds, approved as to form by the City Attorney; and appropriate \$76,000.00 entitlement to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance.

Mr. Bestpitch offered the following emergency budget ordinance:

(#35910-061702) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 160.)

Mr. Bestpitch moved the adoption of Ordinance No. 35910-061702. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

Mr. Bestpitch offered the following resolution:

(#35911-061702) A RESOLUTION accepting the Fiscal Year 2002-2003 funds for the Emergency Shelter Grant Program, and authorizing the City Manager to execute the requisite Grant Agreement with the United States Department of Housing and Urban Development (HUD).

(For full text of Resolution, see Resolution Book No. 65, page 161.)

Mr. Bestpitch moved the adoption of Resolution No. 35911-061702. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

BUDGET-HOUSING/AUTHORITY-GRANTS: The City Manager submitted a communication advising that HOME is a housing assistance program of the U. S. Department of Housing and Urban Development (HUD); the City has received a HOME entitlement grant each year since FY 1992 and must reapply annually to HUD to receive such funding; and on May 13, 2002, Council authorized filing the 2002-2003 HOME application as part of approving the submission of the Annual Update to the Consolidated Plan to HUD.

It was further advised that the funding release process is underway, and HUD's letter of approval is forthcoming, granting the City access to its 2002-2003 HOME entitlement of \$751,000.00; in addition, \$286,204.00 unexpended from prior year accounts and \$10,000.00 in anticipated program income are included in the appropriation for fiscal year 2002-2003 activities; and acceptance of funds, and acceptance of the 2002-2003 entitlement requires \$93,875.00 in local match; however, no outlays of City funds will be needed to meet the requirement.

The City Manager recommended that Council adopt a resolution accepting \$751,000.00 in 2002-2003 HOME funds, contingent upon receipt of the approval letter from HUD; authorize the City Manager to execute the required Grant Agreement, Funding Approval, and any other documents required by HUD in order to accept the funds, such documents to be approved as to form by the City Attorney; appropriate \$761,000.00 to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance; and transfer \$286,204.00 in HOME accounts from prior years to projects included in the 2002-2003 HOME program.

Mr. Harris offered the following emergency budget ordinance:

(#35912-061702) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 162.)

Mr. Harris moved the adoption of Ordinance No. 35912-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

Mr. Harris offered the following resolution:

(#35913-061702) A RESOLUTION accepting the Fiscal Year 2002-2003 funds for the HOME Investment Partnerships Program (HOME), and authorizing the proper City officials to execute the requisite Grant Agreement with the United States Department of Housing and Urban Development (HUD).

(For full text of Resolution, see Resolution Book No. 65, page 164.)

Mr. Harris moved the adoption of Resolution No. 35913-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

BUDGET-COMMUNITY PLANNING-GRANTS: The City Manager submitted a communication advising that CDBG is a program of the U. S. Department of Housing and Urban Development (HUD) which offers assistance to the community in many ways; the City has received CDBG entitlement grants each year since inception of the program in 1974 and must submit an action plan annually to HUD to receive such funding; and on May 13, 2002, pursuant to Resolution No. 35848-051302, Council authorized filing the 2002-2003 CDBG application through submission of the Annual Update of the Consolidated Plan to the U. S. Department of Housing and Urban Development (HUD) for FY 2002-2003.

It was further advised that HUD's routine release process is underway, and the HUD approval letter is forthcoming, granting the City access to its 2002-2003 CDBG entitlement of \$2,241,000.00; in addition, \$663,994.00 unexpended from prior year accounts and \$440,034.00 in anticipated program income are also included in the appropriation for fiscal year 2002-2003 programs; and acceptance of the entitlement and appropriation of all funds is needed to permit projects to proceed.

The City Manager recommended adoption of a resolution accepting \$2,241,000.00 in 2002-2003 CDBG funds, contingent upon receipt of the approval letter from HUD; that the City Manager be authorized to execute the required Grant Agreement, Funding Approval, and other forms required by HUD in order to accept the funds; appropriate \$2,241,000.00, entitlement, and \$440,034.00 in anticipated program income to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance; and transfer \$663,994.00 in CDBG accounts from prior years to projects included in the 2002-2003 CDBG program.

Mr. Harris offered the following emergency budget ordinance:

(#35914-061702) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 164.)

Mr. Harris moved the adoption of Ordinance No. 35914-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----5.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

(Council Member Bestpitch abstained from voting inasmuch as his spouse is employed by the YMCA which is one of the organizations recommended for funding.)

Mr. Harris offered the following resolution:

(#35915-061702) A RESOLUTION accepting the fiscal year 2002-2003 funds for the Community Development Block Grant program, and authorizing the City Manager to execute the requisite Grant Agreement with the United States Department of Housing and Urban Development (HUD).

(For full text of Resolution, see Resolution Book No. 65, page 168.)

Mr. Harris moved the adoption of Resolution No. 35915-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----5.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

(Council Member Bestpitch abstained from voting inasmuch as his spouse is employed by the YMCA which is one of the organizations recommended for funding.)

BUDGET-COMMUNICATIONS DEPARTMENT-TELEPHONE -EQUIPMENT: The City Manager submitted a communication advising that the City currently has a fiber optic based metropolitan area network, which was implemented in 1998-99; the current equipment was installed at that time to support a token ring environment, however, the City is currently migrating to an all Ethernet and TCP/IP network environment; and upgrading to a Symmetrical Optical Network (SONET) will position the City to better utilize the investment made in the fiber network and allow for implementation of new technologies over the fiber infrastructure such as faster data transmission, video conferencing and voice transmission capabilities on the network for a telephone system solution that will be implemented in October.

It was further advised that an Invitation for Bid for Metropolitan Area Network SONET Ring Equipment was issued on March 20, 2002; six bids were received with The Presidio Corporation submitting the low bid, in the amount of \$683,905.67; funding in the amount of \$487,000.00 is available in Account No. 013-430-9854-9003, Expansion of Network Capacity, and in the amount of \$196,905.00 in Account No. 013-430-9860-9003, Network Storage Management.

The City Manager recommended that she be authorized to accept the bid of The Presidio Corporation in the amount of \$683,905.67; reject all other bids received by the City; and transfer \$196,906.00 from Account No. 013-430-9860-9003 to Account No. 013-430-9854-9003.

Mr. Harris offered the following emergency budget ordinance:

(#35916-061702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Department of Technology Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 168.)

Mr. Harris moved the adoption of Ordinance No. 35916-061702. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

Mr. Harris offered the following resolution:

(#35917-061702) A RESOLUTION accepting the bid of The Presidio Corporation for the purchase and installation of the Metropolitan Area Network SONET Ring Equipment, upon certain terms and conditions; and rejecting all other bids.

(For full text of Resolution, see Resolution Book No. 65, page 169.)

Mr. Harris moved the adoption of Resolution No. 35917-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

BRIDGES-SIGNS/BILLBOARDS/AWNINGS-CONSULTANTS REPORTS: The City Manager submitted a communication advising that the 1978 Surface Transportation Act enacted by Congress requires that all bridges, including "off Federal Aid System" structures, must be included in the annual inspection program; Bridge Inspection Reports are required on 66 structures in the City of Roanoke this year; 31 structures are inspected annually while 35 structures are inspected bi-annually; the Federal Highway Administration has established a new requirement that overhead sign structures are to be inspected, 15 of which exist within the City of Roanoke; and one tunnel is in need of inspection.

It was further advised that a Request for Proposals for technical inspection and reports were publicly advertised and received from Hayes, Seay, Mattern & Mattern, Inc., L.A. Gates Company, and Mattern & Craig, Inc.; and a selection committee conducted interviews with all three firms.

It was further advised that the complexity of bridge inspections led staff to select two qualified firms to complete the work by apportioning the work among two firms; negotiations were conducted with the two most qualified firms, Hayes, Seay, Mattern & Mattern, Inc., and Mattern & Craig, Inc., both firms have agreed to contracts for the first year with up to two additional one year extensions; Hayes, Seay, Mattern & Mattern, Inc. has agreed to inspect 30 bridges and 15 overhead signs at a cost of \$71,200.00; Mattern & Craig, Inc., has agreed to inspect 36 bridges and one tunnel at a cost of \$60,600.00; and funding in the amount of \$131,800.00 is available for first year contracts in Account No. 001-530-4310-3072 in the Fiscal Year 2002-03 budget.

The City Manager recommended that she be authorized to execute separate Contracts for Consulting Services with Hayes, Seay, Mattern & Mattern, Inc. and Mattern & Craig, Inc., in the amounts of \$71,200.00 and \$60,600.00, respectively, for the first year (2002) for bridge and overhead sign structure and tunnel inspection services, which contracts may be extended for two additional one-year terms at the option of the City of Roanoke.

Mr. Harris offered the following resolution:

(#35918-061702) A RESOLUTION authorizing a contract with Hayes, Seay, Mattern & Mattern, Inc., for engineering services for the inspection of 30 bridges and 15 overhead signs and related work in connection with the Three Year Bridge Inspection Program (2002 - 2004).

(For full text of Resolution, see Resolution Book No. 65, page 170.)

Mr. Harris moved the adoption of Resolution No. 35918-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

Mr. Harris offered the following resolution:

(#35919-061702) A RESOLUTION authorizing a contract with Mattern & Craig, Inc., for engineering services for the inspection of 36 bridges, one tunnel, and related work in connection with the Three Year Bridge Inspection Program (2002 - 2004).

(For full text of Resolution, see Resolution Book No. 65, page 171.)

Mr. Harris moved the adoption of Resolution No. 35919-061702. The motion was seconded by Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

BUDGET-GRANTS-YOUTH: The City Manager submitted a communication advising that the City of Roanoke continues to provide for the nutritional needs of children and youth during the summer months through its Office on Youth supervised Summer Nutrition Program; breakfast and lunch are provided to children throughout the City from mid-June through early August; and more than 2,300 children/youth received lunch and/or breakfast on a daily basis at 18 sites during the summer of 2001.

It was further advised that funds for the program, now in its ninth year, are provided through the United States Department of Agriculture Food and Nutrition Service; the program is similar in concept to the National School Lunch Program with eligibility requirements much like those used to determine eligibility for free or reduced priced meals during the school year; the purpose is to provide nutritionally balanced healthy meals to children ages one through 18; adult, summer staff manage the program and youth are hired to assist at feeding locations, with the City reimbursed on a per meal basis; and local cash match in the amount of \$15,000.00 was appropriated in the fiscal year 2003 General Fund budget, Human Services Support, Account No. 001-630-1270-2010.

The City Manager recommended that she be authorized to accept projected Federal funds in the amount of \$151,193.00 from the United States Department of Agriculture Food and Nutrition Service; decrease fiscal year 2003 Human Services Support Account No. 001-630-1270-2010 by \$15,000.00 and increase fiscal year 2003 budget estimate for the Transfer to Grant Fund Account No. 001-250-9310-9535 by \$15,000.00; transfer \$15,000.00 local cash match to the grant fund; and authorize the Director of Finance to establish a revenue estimate, in the amount of \$151,193.00, and appropriate funds to expenditure accounts.

Mr. Hudson offered the following emergency budget ordinance:

(#35920-061702) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 172.)

Mr. Hudson moved the adoption of Ordinance No. 35920-061702. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

Mr. Hudson offered the following resolution:

(#35921-061702) A RESOLUTION authorizing acceptance of reimbursement from USDA Food and Nutrition Service on behalf of the City for program costs for the implementation of the summer program, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant and applicable laws, regulations, and requirements pertaining thereto.

(For full text of Resolution, see Resolution Book No. 65, page 173.)

Mr. Hudson moved the adoption of Resolution No. 35921-061702. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

BUDGET-CONSULTANTS REPORT- WATER RESOURCES: The City Manager submitted a communication advising that the Utility Department staff has identified four projects to improve water system reliability and increase service conditions to the citizens of Roanoke, which projects include a pump station and associated water main improvements to increase service to Mill Mountain and the neighborhoods bounded by Walnut Avenue and Hamilton Terrace, water transmission main improvements to Orange Avenue, N.W., Hollins Road, N.E., and Brambleton Avenue, S.W.

It was further advised that proposals were received from ten engineering firms, three of which were short listed and interviewed; Mattern & Craig, Inc., was selected; City staff has negotiated acceptable agreements for the above referenced work in the form of a lump sum fee for the four projects as follows: Mill Mountain Service Line-\$58,876.00, Orange Avenue -\$30,265.00, Hollins Road -\$70,055.00; and Brambleton Avenue - \$33,310.00; funding is available from retained earnings in the Water Fund, and needs to be appropriated by Council; and the City Manager has authority to execute each contract inasmuch as each is within the authority as set forth in the City Code.

The City Manager recommended appropriation of \$192,506.00 from Water Fund retained earnings to accounts to be established by the Director of Finance to provide design and consulting services for the above referenced Water System Distribution Improvement projects.

Mr. Harris offered the following emergency budget ordinance:

(#35922-061702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Water Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 174.)

Mr. Harris moved the adoption of Ordinance No. 35922-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, and Vice-Mayor Carder-----6.

NAYS: None-----0.

(Mayor Smith was absent when the vote was recorded.)

(The Mayor entered the meeting at 3:15 p.m.)

SEWERS AND STORM DRAINS-BUDGET-WATER RESOURCES: The City Manager submitted a communication advising that the procedure for preparing a project for construction is a lengthy process due to the time required to complete the design, finalize construction documents and acquire the necessary property or easements; funding of \$2.0 million for construction of storm drain projects is planned in the next general obligation bond issue expected to be issued in approximately fiscal year 2004; and in order to be proactive, the Engineering Division is moving forward with design of numerous storm drain projects so that construction may begin soon after funding is available.

It was further advised that a Request for Proposals was sent to 12 engineering firms inviting them to submit their qualifications; eight firms were interviewed and six firms were selected to provide design services; and the CIP Storm Drainage Projects List has been reviewed, and the following highest rated priority projects have been selected for design:

PROJECT	DESIGN FIRM	ESTIMATED DESIGN COSTS
1528 Cove Road Trevino Drive Phase II	Draper Aden Associates, Inc. 2206 South Main Street Blacksburg, Virginia 24060	\$ 30,000.00
Westover Avenue (2500 Block) Harvest Lane Drainage Project	Anderson & Associates of Virginia, Inc. 100 Ardmore Street Blacksburg, Virginia 24060	\$ 30,000.00

4457 Ohio Street 3132 Courtland Avenue (800 Block Queen Avenue, 3100 Block Lyndhurst Street)	Caldwell-White Associates, PLC 4203 Melrose Avenue, N.W. Roanoke, Virginia 24017	\$ 30,000.00
4501 & 4513 Narrows Lane	LMW, P.C. 102 Albemarle Avenue, S.E. Roanoke, Virginia 24013	\$ 15,000.00
Ore Branch Channel Stabilization	Hayes, Seay, Mattern & Mattern, Inc. 1315 Franklin Road, S.W. Roanoke, Virginia 24016	\$ 30,000.00
RCIT Detention Maintenance at Cooper Industries RCIT Detention Maintenance at Orvis/Elizabeth Arden	Engineering Concepts, Inc. 20 South Roanoke Street Fincastle, Virginia 24090	\$ 30,000.00
Moomaw Heights 738 Windsor Avenue	LMW, P.C. 102 Albemarle Avenue, S.E. Roanoke, Virginia 24013	\$ 30,000.00

It was explained that the cost to fund the design of the above listed of storm drain projects is \$195,000.00; and funding is available in Public Improvement Bonds-Series 1999, Account No. 008-052-9709-9176.

The City Manager recommended transfer of \$195,000.00 from Account No. 008-052-9709-9176, Public Improvement Bonds-Series 1999, to new capital projects accounts to be established by the Director of Finance.

Mr. Carder offered the following emergency budget ordinance:

(#35923-061702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 175.)

Mr. Carder moved the adoption of Ordinance No. 35923-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

RAILSIDE LINEAR WALK: The City Manager submitted a communication advising that Breakell, Inc., was awarded a contract, in the amount of \$645,969.00, for construction of Phase V of the Railside Linear Walk Project; Phase V will erect the elevated walkway along Warehouse Row; Change Order No. 1 was administratively approved, in the amount of \$343.00, with a contract time extension of three days; and Change Order No. 2 was requested to assist future development of eight Warehouse Row properties west of the InSystems Technologies building located along Norfolk Avenue, S.W.

It was further advised that while this area is under construction, this is the appropriate time to provide the necessary utility and telecommunication upgrades; the capacity will be provided for each building to be utilized as a restaurant or high-tech office space; the waterline to each building will be upgraded in order to supply adequate water service; placement of conduits to each building will allow for future access of various cable companies, telephone services, internet service, etc., as needed by the tenant; and as each building is remodeled, the fire code will require the building to have a sprinkler system and a six inch waterline installed to each building will be provided to support fire protection demands; and total cost of Change Order No. 2 is \$683,952.00, and funding is available in Account No. 008-530-9759, Railside Linear Walk-Phase V.

The City Manager recommended that she be authorized to execute Change Order No. 2 in the amount of \$37,640.00, with Breakell, Inc., with a contract time extension of three days.

Mr. Carder offered the following emergency ordinance:

(#35924-061702) AN ORDINANCE authorizing the City Manager's issuance of Change Order No. 2 to the City's contract with Breakell, Inc., for upgrading the existing ¾" water service to 2" water service, installing waterlines, and installing two 4" and one 2" schedule 80 PVC conduits to each of the eight buildings west of the InSystems Technologies building, located along Norfolk Avenue, S. W., along Warehouse Row, in connection with Phase V of the Railside Linear Walk Project; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 177.)

Mr. Carder moved the adoption of Ordinance No. 35924-061702. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

WATER RESOURCES: The City Manager submitted a communication advising that Mid Eastern Builders, Inc., was awarded a contract, in the amount of \$4,477,000.00, at the October 1, 2001 meeting of City Council for building construction and equipment installation at the Crystal Spring Water Treatment (Filtration) Plant, as defined in contract documents prepared by Wiley & Wilson, Inc.; Change Order No. 1 was administratively approved in the amount of \$14,902.00 and Change Order No. 2 was approved by Council at its meeting on Monday, May 20, 2002, in the amount of \$108,216.00, with a contract time extension of two days; Change Order No. 3 addresses changes in the proposed construction due to plan review comments provided by the Virginia Department of Health (VDH); and total cost of Change Order No. 3 is \$41,224.00, for a total contract amount of \$4,641,342.00.

It was explained that funding for Change Order No. 3, in the amount of \$41,224.00, is available in Account No. 002-530-8397, Crystal Spring Water Treatment Plant Construction.

The City Manager recommended that she be authorized to execute Change Order No. 3, in amount of \$41,224.00, with Mid Eastern Builders, Inc.

Mr. Harris offered the following emergency ordinance:

(#35925-061702) AN ORDINANCE authorizing the City Manager's issuance of Change Order No. 3 to the City's contract with Mid Eastern Builders, Inc., in connection with the Crystal Spring Water Treatment (Filtration) Plant Project; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 178.)

Mr. Harris moved the adoption of Ordinance No. 35925-061702. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

ROANOKE CIVIC CENTER: The City Manager submitted a communication advising that the City's current agreement for the provision of ticketing services at the Roanoke Civic Center expires on July 31, 2002; in order to secure a ticket service provider, Council authorized the process identified as "competitive negotiation" at its meeting on January 7, 2002; sealed proposals were received from four vendors and a selection committee reviewed the proposals and selected two finalists that

were interviewed in accordance with City Code Section 23.1-4.1 (c); and selection criteria included experience, ability and capacity to perform required duties and responsibilities, equipment, service and maintenance, marketing, price, and revenue opportunities for the City.

It was further advised that the selection committee selected Tickets.com, Inc., as the company whose proposal best meets the interests of the City; on May 20, 2002, the Civic Center Commission authorized the Chair of the Commission to forward a letter to Council recommending a five year agreement between the City and Tickets.com, Inc., for ticketing services at the Roanoke Civic Center, and other City Civic Facilities, as Council may deem appropriate, and subject to receipt of a contract from with terms acceptable to the Director of Civic Facilities and the City Manager; a contract has been received and is acceptable which contains a mutual indemnity clause; and there are no funding issues.

The City Manager recommended that Council accept the proposal of Tickets.com, Inc. and authorize the City Manager to execute a five-year contract, with an option to renew for up to five additional years, to provide ticketing services at Roanoke Civic Facilities and to take such further action and/or to execute such further documents as may be necessary to implement and administer the contract.

Mr. Carder offered the following resolution:

(#35926-061702) A RESOLUTION accepting the proposal of Tickets.com, Inc., to provide ticketing and related services for the City's Civic Facilities for a five year period with an option to renew for up to an additional five years upon mutual agreement by parties, and upon other terms and conditions; authorizing the proper City officials to execute the requisite contract for same; and rejecting all other proposals made to the City.

(For full text of Resolution, see Resolution Book No. 65, page 179.)

Mr. Carder moved the adoption of Resolution No. 35926-061702. The motion was seconded by Mr. Harris.

Council Member Wyatt inquired as to the composition of the selection committee; whereupon, the City Manager advised that the committee was composed of the following City employees: Alicia Stone, James Evans, Christine Powell, Sheila Hairston and May Huff.

Ms. Wyatt raised questions with regard to seasonal account storage; whereupon, the City Manager advised that she would respond later in the meeting. She inquired about an initial \$10,000.00 and an additional \$10,000.00 every five years for start up costs for marketing support; whereupon, the City Manager responded that Tickets.com, Inc., has committed to marketing the system and will use the funds toward marketing efforts.

Ms. Wyatt inquired about local maintenance support to which the City Manager advised that Tickets.com will employ a full time person in the Roanoke area who will be responsible for maintaining machines.

Ms. Wyatt addressed the issue of exclusivity and its impact on the NBDL, the Roanoke Steam, and the Express Hockey that sell season tickets directly to patrons; whereupon, the City Manager advised that the proposed contract does not affect season tickets, the proposed contract, was reviewed by representatives of those franchises currently operating at the Civic Center, and no concerns were expressed regarding the method of selling season tickets.

Ms. Wyatt referred to the cost of tickets, for example: if a patron purchases a \$9.00 hockey ticket, under the Ticket.com, Inc., contract, she inquired if there be an additional \$3.00 added as a handling fee and will the \$3.00 be a part of the \$9.00 ticket, or will there be a higher cost ticket. The City Manager advised that she would respond to the question later in the Council meeting.

In view of numerous questions that need to be answered, Ms. Wyatt requested that action on the matter be tabled until the City Manager has had an opportunity to respond.

It was the consensus of Council to table the matter until the end of the Council meeting at which time City staff will respond to Council Member Wyatt's questions.

BUDGET-SIGNS/BILLBOARDS/AWNINGS-ROANOKE CIVIC CENTER: The City Manager called attention to a project that will provide a new freestanding sign ("marquee") for the Roanoke Civic Center that will be visible to vehicular traffic using Interstate I-581 along the western edge of the multi-building complex; there is currently no means to announce upcoming events or events taking place that day at the facility along that side of the facility, and the sign will serve to supplement an existing sign that is installed along the Williamson Road side of the building complex; the project will also provide for the interface of computer software used by both signs to permit separate or simultaneous display of message and graphics for the two signs; and the new sign has received preliminary approval from the Virginia Department of Transportation and will comply with the requirements of the City's zoning ordinance.

It was further advised that after proper advertisement, four bids were received, with Acken Signs, Inc., submitting the low bid, in the amount of \$139,373.00; and a construction of 120 consecutive calendar days.

It was explained that funding in the amount of \$150,000.00 is needed for the project; additional funds that exceed the contract amount will be used for miscellaneous project expenses, including landscaping around the base of the sign, advertising, printing, testing services, minor variations in bid quantities, and unforeseen project expenses; and funding in the amount of \$43,500.00 is available from Civic Facilities Capital Outlay, Account No. 005-550-2108-9015, and \$106,500.00 is available from Account No. 005-550-8616, Civic Center Expansion/Renovation Phase II, from the fiscal year 2003 adopted budget.

The City Manager recommended that Council accept the bid of Acken Signs, Inc., the amount of \$139,373.00, with 120 consecutive calendar days contract time; reject other bids received by the City; transfer \$43,500.00 from Account No. 005-550-2108-9015 to Civic Center Expansion/Renovation Phase II, Account No. 005-550-8616.

Mr. Carder offered the following emergency budget ordinance:

(#35927-061702) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Civic Center Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 180.)

Mr. Carder moved the adoption of Ordinance No. 35927-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Harris offered the following emergency ordinance:

(#35928-061702) AN ORDINANCE accepting the bid of Acken Signs, Inc., for the new freestanding sign ("marquee") for the Roanoke Civic Center that will be visible to vehicular traffic using Interstate I-581 along the western edge of the multi-building complex, and providing for the interface of computer software used by the new sign and the existing sign to permit separate or simultaneous display of message and graphics for the two signs, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 184.)

Mr. Harris moved the adoption of Ordinance No. 35928-061702. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

The City Manager advised that some persons might question the need for a marquee on both sides of the civic center complex, and noted that in the past, the Virginia Department of Transportation has denied the City's requests to install a marquee on the I-581 side of the building. She called attention to the persistence of the Roanoke Civic Center Commission and through continuing dialogue with VDOT, the request for a marquee has been approved which will allow the City to promote not only events at the Roanoke Civic Center, but other activities in and around the City of Roanoke.

Ms. Wyatt called attention to the dedication of Vernon M. Danielsen, member of the Roanoke Civic Center Commission, who will leave his position on September 30, 2002, and requested that he be invited to dedication activities.

AUDITS/FINANCIAL REPORTS -BUDGET-HUMAN DEVELOPMENT-COMMITTEES: The City Manager submitted a communication advising that the Human Services Committee budget, in the amount of \$484,264.00, was established by Council, pursuant to adoption of the General Fund budget for fiscal year 2002-03 on Monday, May 13, 2002; requests from 42 agencies, totaling \$1,058,648.55 were received; committee members studied each application prior to an allocation meeting which was held on April 9, 2002; and agencies were notified of tentative allocations and advised they could appeal the recommendations.

It was further advised that appeals of Committee recommendations were received after notification to each agency of its tentative recommended allocation; appeals were filed and heard from Blue Ridge Legal Services, Bradley Free Clinic, TAP-IDA Program, and National Multiple Sclerosis Society; following the hearing of appeals, Blue Ridge Legal Services was allocated \$3,000.00, Bradley Free Clinic was increased from \$5,000.00 to \$30,000.00, the National Multiple Sclerosis Society was allocated \$1,495.00 and the TAP – IDA Program was denied funding; and performance audits will be conducted by the Council of Community Services to evaluate effectiveness and efficiency of funded programs.

The City Manager recommended that Council authorize transfer of \$484,264.00 from Human Services Committee, Account No. 001-630-5220-3700, to new line items to be established within the Human Services Committee budget by the Director of Finance; that the City Manager be authorized to execute contracts with The Salvation Army for the Homeless Housing Program - Red Shield Lodge, (\$14,000.00) and Abused Women's Shelter - The Turning Point, (\$14,000.00), St. John's Community Youth Program, Inc., (\$5,000.00), and the Council of Community Services for performance audits to be conducted, (\$11,000.00).

Mr. Carder offered the following emergency budget ordinance:

(#35929-061702) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 183.)

Mr. Carder moved the adoption of Ordinance No. 35929-061702. The motion was seconded by Mr. Harris.

Council Member Bestpitch asked if he is required to abstain from voting on the matter since his spouse is employed by the YMCA; whereupon, the City Attorney responded in the negative, advising that funds represent General Fund appropriations which are covered by State law and Mr. Bestpitch has no conflict of interest under the Code of Virginia.

Ordinance No. 35929-061702 was adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Carder offered the following resolution:

(#35930-061702) A RESOLUTION concurring in the recommendations of the Human Services Committee for allocation of City funds to various nonprofit agencies and performance audits for Fiscal Year 2002-2003, and authorizing the City Manager, or her designee, to execute a contract with The Salvation Army for provision of services under the Homeless Housing Program and/or Abused Women's Shelter, to execute a contract with St. John's Community Youth Program, Inc., for provision of services, and to execute a contract with the Council of Community Services to perform the necessary audits.

(For full text of Resolution, see Resolution Book No. 65, page 185.)

Mr. Carder moved the adoption of Resolution No. 35930-061702. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

If additional funds become available, Ms. Wyatt requested that consideration be given to the Boys and Girls Clubs and Apple Ridge Farms, both of which provide services to many of Roanoke's most disadvantaged children.

BUDGET-COMMITTEES-ROANOKE ARTS COMMISSION: The City Manager submitted a communication advising that the Roanoke Arts Commission budget for funds to be allocated to cultural agencies, in the amount of \$289,112.00, was established by Council, pursuant to adoption of the General Fund budget for fiscal year 2002-03; requests from 15 agencies totaling \$456,410.00 were received; and Committee members studied each application prior to an allocation meeting which was held on April 10, 2002; agencies were notified of tentative allocations and advised that they could appeal recommendations, however, no appeals were filed.

The City Manager recommended that Council authorize transfer of \$289,112.00 from Account No. 001-310-5221-3700, to new line items to be established within the Roanoke Arts Commission budget by the Director of Finance for fiscal year 2002-03.

Mr. Carder offered the following emergency budget ordinance:

(#35931-061702) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 187.)

Mr. Carder moved the adoption of Ordinance No. 35931-061702. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

POLICE DEPARTMENT-BUDGET-GRANTS-YOUTH: The City Manager submitted a communication advising that the Department of Criminal Justice Services notified the City of Roanoke and Roanoke County in May, 2002 of an allocation of funds under the Juvenile Accountability Incentive Block Grant Program (JAIBG); and allocation of \$48,493.00 in Federal funds was awarded jointly to the two jurisdictions, with a local match of \$5,388.00 being required.

It was further advised that the allocation formula provides \$34,706.00 Federal and \$3,856.00 match for Roanoke City and \$13,787.00 Federal and \$1,532.00 match for Roanoke County; staff from the jurisdictions have met and developed program proposals for use of the funding; Roanoke County will provide a substance abuse intervention education program through the schools; Roanoke City, in collaboration with the Boys & Girls Club, will provide services to students suspended or otherwise absent from school during the day; funding for the City's match of \$3,856.00 is included in Account No. 001-631-3330-8005, Outreach Detention; and Roanoke City will serve as fiscal agent for the funds.

The City Manager recommended that she, or her designee, be authorized to accept the grant allocation of \$34,706.00 (Roanoke City) and \$13,787.00 (Roanoke County), totaling \$48,493.00; authorize appropriation of \$3,856.00 from Account No. 001-631-3330-8005, Outreach Detention, to an account for allocation to be established by the Director of Finance; and that the Director of Finance be authorized to establish appropriation amounts and revenue estimates for the grant.

Mr. Carder offered the following emergency budget ordinance:

(#35932-061702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General and Grant Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 188.)

Mr. Carder moved the adoption of Ordinance No. 35932-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Hudson offered the following resolution:

(#35933-061702) A RESOLUTION authorizing acceptance of a Juvenile Accountability Incentive Block Grant from the Virginia Department of Criminal Justice Services on behalf of the City, authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant and applicable laws, regulations, and requirements pertaining thereto.

(For full text of Resolution, see Resolution Book No. 65, page 190.)

Mr. Hudson moved the adoption of Resolution No. 35933 -061702. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-HUMAN DEVELOPMENT: The City Manager submitted a communication advising that the Comprehensive Services Act (CSA) established in 1993, provides residential and non-residential treatment services to troubled and at-risk youths and their families through a collaborative system of state and local agencies, parents, and private service providers; such services include mandated foster care, certain special education services, and foster care prevention; CSA also provides services to certain targeted non-mandated populations; CSA expenditures are projected at \$8,999,119.00; which expenditures exceed the CSA appropriation of \$8,400,000.00 by \$599,119.00, and require an additional local share in the amount of \$184,049.00; and expenditures are over budget due to increased Special Education referrals for private day and residential placements.

The City Manager recommended that Council:

- increase the General Fund Revenue estimate by \$415,070.00 to CSA Revenue Account No. 001-110-1234-0692,**
- transfer funds in the amount of \$184,049.00 from Transfer to School Fund (001-250-9310-9530) for educationally mandated placements,**
- appropriate funding in the amount of \$599,119.00 to the following accounts:**

001-630-5410-3185 Special Education-Residential	\$191,718.00
001-630-5410-3187 Special Education-Private Day Facilities	371,454.00
001-630-5410-3188 Special Education-Public Day Facilities	<u>35,947.00</u>
	\$599,119.00

Mr. Carder offered the following emergency budget ordinance:

(#35934-061702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 191.)

Mr. Carder moved the adoption of Ordinance No. 35934-061702. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

CONVENTION AND VISITORS BUREAU-TOURISM: The City Manager submitted a communication advising that the City of Roanoke has annually entered into an agreement with the Roanoke Valley Convention and Visitors Bureau (RVCVB) to provide funding for marketing the Roanoke Valley as a convention and destination tourism site; as part of the fiscal year 2002-2003 Annual Operating budget adopted by Council, the Memberships and Affiliations budget included funding of \$541,440.00 specifically designated for the RVCVB; with an additional \$285,714.00 designated for marketing efforts; and the additional \$285,714.00 will be adjusted up or down in subsequent years based on an amount equal to the actual revenues collected from the one per cent increase in the transient occupancy tax.

It was further advised that the City has negotiated a one year agreement commencing July 1, 2002 with the RVCVB detailing the use of funds; in addition, the City of Roanoke will have one less appointment this year to the RVCVC Board of Directors, in accordance with the City Manager's recommendation and the consultant report suggestion that the Board be reduced in size; and the RVCVB submitted a detailed report listing the accomplishments made through April 2002, and an annual budget and work plan for fiscal year 2002-03 will be submitted to the City Manager for review and approval, upon approval by the RVCVB Board of Directors.

The City Manager recommended that she be authorized to execute an agreement, in the amount of \$827,154.00, with the Roanoke Valley Convention and Visitor Bureau, upon form approved by the City Attorney, for the purpose of marketing the Roanoke Valley as a regional destination for convention and destination tourism, and authorize the Director of Finance to make the necessary adjustments as set forth in the agreement.

Mr. Carder offered the following resolution:

(#35935-061702) A RESOLUTION authorizing an agreement with the Roanoke Valley Convention and Visitors Bureau for the purpose of increasing tourism in the Roanoke Valley.

(For full text of Resolution, see Resolution Book No. 65, page 193.)

Mr. Carder moved the adoption of Resolution No. 35935-061702. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

CITY CODE-REFUSE COLLECTION: The City Manager submitted a communication advising that at the May 9, 2002, budget-briefing session, Council Member Hudson raised a question regarding responsibility of landlords for setout of bulk items when tenants are evicted; and typically, evictions that are scheduled through the Sheriff's Department are coordinated with Solid Waste Management for collection of bulk item materials placed at the curb for collection.

It was further advised that on a larger scale, there continues to be a problem of bulk item and brush setouts by homeowners and landlords that exceed the limits prescribed by the City Code, or which are not in conformance with the regularly scheduled collection day, which is an issue that the Enforcement Officer of Solid Waste Management must contend with on a routine basis; most residents are cooperative when advised of the need to remove items from the curb that are excessive in quantity, or are placed too early for collection, however, some citizens are not cooperative when directed to comply; while those in violation can be charged with a criminal violation, the process can require more time than is desired to effect the removal of excessive bulk items and brush from public view; and it is also important to note that citizens currently have the option to take 12 loads of bulk and brush to the Transfer Station each year free of charge and landlords have the option to take four loads per rental property to the Transfer Station each year free of charge.

It was explained that City staff has evaluated ordinances of benchmark localities from the Virginia First Cities Coalition to identify methods of enforcement for similar situations; based upon research, a revised ordinance has been prepared which would require notification of the owner or occupant responsible for setting out the bulk items or brush to remove the bulk items or brush materials within 24 hours; failure to comply would cause removal of the materials by Solid Waste Management, for which a fee would be assessed to the owner or occupant which would cover costs of collection and disposal of any solid waste which is set out in violation of the Solid Waste Ordinance; and a City Code amendment is also needed to prohibit the placement of tires inside of automated collection containers (Big Blues).

The City Manager recommended that Council adopt an ordinance encompassing the above referenced revisions.

Mr. Carder offered the following ordinance:

(#35936-061702) AN ORDINANCE amending and reordaining §14.1-3, Littering, of Article I, In General, of Chapter 14.1, Solid Waste Management, of the Code of the City of Roanoke (1979), as amended, by adding new subsections (f) and (g), and amending and reordaining §14.1-21, Certain solid waste not to be collected – Generally, of Article I, In General, of Chapter 14.1, Solid Waste Management, of the Code of the City of Roanoke (1979), as amended; and dispensing with the second reading by title of this ordinance

(For full text of Ordinance, see Ordinance Book No. 65, page 194.)

Mr. Carder moved the adoption of Ordinance No. 35936-061702. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

CITY CODE-CITY EMPLOYEES: The City Manager submitted a communication advising that Council would like to recognize employees for efforts and accomplishments during fiscal year 2002 related to Council's goals; to do so, a one time floating holiday is recommended that will be earned for Friday, July 5, 2002; City offices will be open on Friday, July 5, 2002, and all non-temporary employees on the payroll as of said date will earn eight hours of holiday leave (12 hours for Fire-EMS 24-hour scheduled employees); the holiday may be taken on Friday, July 5, 2002, with appropriate supervisory approval, or at a later date; and Personnel Operating Procedures that limit the carry over of holiday time to 24 hours per year remain in effect.

The City Manager recommended that Council approve the additional floating holiday for July 5, 2002.

Mr. Carder offered the following emergency ordinance:

(#35937-061702) AN ORDINANCE amending and reordaining subsection (c) of §2-37, Office hours, work weeks and holidays, Code of the City of Roanoke (1979), as amended; the amended subsection providing for a floating holiday, Friday, July 5, 2002, for the year 2002 only; and providing for an emergency and an effective date.

(For full text of Ordinance, see Ordinance Book No. 65, page 196.)

Mr. Carder moved the adoption of Ordinance No. 35937-061702. The motion was seconded by Mr. Wyatt and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-CITY EMPLOYEES: The City Manager submitted a communication advising that the fiscal year 2001-2002 General Fund Budget includes funds in the nondepartmental expenditure category for several personnel related accounts; which accounts are budgeted at estimated amounts in the nondepartmental cost center because annual charges of each department are difficult to accurately predict; and actual costs are charged to departments in anticipation of year-end budget transfers to cover the costs.

It was further advised that salary lapse is one of the items included in the nondepartmental category and represents the difference in budgeted City employee salaries and actual salaries; it is created through normal employee attrition and managed hiring and re-engineering efforts undertaken during the year by City staff; at year-end, salary lapse created in departments is credited against the budgeted total salary lapse figure, and any excess salary lapse generated is spread throughout the various departments to cover additional personnel and operational needs; and the largest operational allocation is recommending an additional \$223,000.00 of salary lapse to fund the remaining portion of the Solid Waste Management funding shortfall which was brought to the attention of Council on April 1, 2002.

It was further advised that Workers' Compensation is also initially budgeted in the nondepartmental category; and has been budgeted as a lump sum in the non-departmental category in the General Fund to cover workers' compensation wages and medical expenses; like other personnel related budgets, workers' compensation budgets are established non-departmentally due to the difficulty of predicting which departments will incur these expenses and to what extent; and a proposed budget ordinance allocates the amount in the nondepartmental cost center to departments that have incurred actual costs.

It was explained that the fiscal year 2001-2002 General Fund Budget also included funds in the non-departmental category to cover annual expenditures for unemployment wages, extended illness leave payments, and termination leave wages, as well as anticipated increases in health and dental insurance; these budgets should be allocated to appropriate departmental accounts in the same manner as salary lapse and workers' compensation; a proposed budget ordinance accomplishes the necessary transfers by adjusting each department's regular salaries line rather than adjusting all individual line items; an adjustment is also needed to decrease the revenue estimate for the change in salary estimates for employee salaries reimbursed by the State Compensation Board; after all required allocations are made to personal services and revenues, a balance of \$422,510.00 is available for appropriation to the Transfers to Capital Projects Fund for miscellaneous construction projects.

The City Manager recommended that Council authorize the transfer of funds between accounts and the use of excess budgeted personal services as more fully set forth in an attachment to the report.

Mr. Carder offered the following emergency budget ordinance:

(#35938-061702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 197.)

Mr. Carder moved the adoption of Ordinance No. 35938-061702. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-INTERNAL SERVICE FUND: The City Manager and the Director of Finance submitted a joint communication advising that the City of Roanoke's Internal Service Funds account for certain services provided to departments of the other funds of the City; Internal Service Funds recover costs by charging receiving departments for services provided; budgeted funds for internal services are allocated in the General Fund in each fiscal year's budget throughout various departments based on estimated usage and usage sometimes varies from original estimates; at this time each fiscal year, it is necessary to make transfers between General Fund departments to provide sufficient funds for internal services for the fiscal year; additionally, budget amounts in the Internal Service Funds are established based on expected transactions for the year; and based on certain higher than anticipated expenses in the area of Risk Management, additional expenses have been incurred and budget adjustments will be needed for said items.

It was further advised that the City accounts for self-insured liabilities in its Risk Management Internal Service Fund, which has incurred costs in excess of budget during fiscal year 2002, and has billed user funds and departments at amounts exceeding original revenue estimates to recover said costs; and to properly balance the budget to actual accounting for the year, the following budgetary adjustments to Risk Management are recommended, and corresponding revenue adjustments will also be made:

Expenditure Accounts

- An increase of \$72,000.00 is needed in Miscellaneous Claims due to the high level of claims paid for water and sewer line breaks.

- An increase in Settlements and Judgments of \$101,000.00 is needed due to the settlement of a large claim.
- Workers' compensation medical expenses need an increase of \$228,000.00 due to a higher than typical level of medical claims paid. This is due to several fairly severe medical conditions that have resulted in costly medical expenses.
- An increase \$35,000.00 is needed to cover the rising costs of insurance policies. The cost of policies has increased as a result of the events of September 11, 2001.

It was advised that the City accounts for its materials warehouse activity in the Materials Control Fund; increases of an equal amount in the Materials Control Fund's revenue and expense estimates are needed for fiscal year 2002 due to a change in accounting method, which grosses rather than nets sales transactions; the change in accounting method was made to more clearly track revenues and expenses resulting from warehouse transactions; and the additional amount of \$165,911.00 required to fully fund the Internal Service Fund charges will be transferred to various departmental internal service accounts from the City Manager's contingency account.

The City Manager and the Director of Finance recommended adoption of a budget ordinance transferring funds.

Mr. Carder offered the following emergency budget ordinance:

(#35939-061702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General, Risk Management and Materials Control Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 200.)

Mr. Carder moved the adoption of Ordinance No. 35939-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-CAPITAL IMPROVEMENTS PROGRAM: The City Manager and the Director of Finance submitted a joint communication advising that Capital Projects of all types have been approved by Council for construction over the past years; projects have included construction in major categories for buildings, parks, streets,

bridges, sanitary sewers, water projects, storm drains, flood reduction, and various technology related projects; funding was established for each project when Council approved the project based on bids for various project costs, as well as extra funding for possible contingencies; some projects have contingency funds remaining after the final expenditures are made because projects are completed within established budgets; a number of projects have been completed and can be closed and remaining funds may be transferred from the completed projects to capital projects still under construction or to capital improvement reserve accounts for other future construction.

The City Manager and the Director of Finance recommended that Council adopt a budget ordinance, which will transfer funds from completed capital projects into recommended accounts, as more fully set forth in Attachment A of the report.

Mr. Carder offered the following emergency budget ordinance:

(#35940-061702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Civic Center, Capital Projects and Department of Technology Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 206.)

Mr. Carder moved the adoption of Ordinance No. 35940-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

POLICE DEPARTMENT-BUDGET-GRANTS: The City Manager submitted a communication advising that the Bulletproof Partnership Grant Act of 2001, enacted by the 107th United States Congress, provides funds to eligible law enforcement agencies for purchase of bulletproof vests; the grant program is managed by the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance; on May 29, 2001, the City of Roanoke was reimbursed in the amount of \$5,182.75 for vests purchased by the Police Department in Fiscal Year 2001-02; and 27 bulletproof vests were purchased; bulletproof vests are essential equipment for Police Officer safety; all Roanoke Police Officers are issued bulletproof vests and reimbursements of this type ensure that additional vests can be procured in the future for new Police Officers and to replace worn out equipment.

The City Manager recommended that Council accept the Bulletproof Vest Partnership reimbursement of \$5,182.75, authorize execution of agreements related to the grant, and appropriate funds in the amount of \$5,182.75 to an account to be established by the Director of Finance in the Grant Fund for said purpose.

Mr. Hudson offered the following emergency budget ordinance:

(#35941-061702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 212.)

Mr. Hudson moved the adoption of Ordinance No. 35941-061702. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Carder offered the following resolution:

(#35942-061702) A RESOLUTION accepting the grant made to the City by the Department of Justice for the reimbursement of the cost of bulletproof vests, and authorizing execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 65, page 213.)

Mr. Carder moved the adoption of Resolution No. 35942-061702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

FEE COMPENDIUM-OUTDOOR DINING: The City Manager submitted a communication advising that on April 1, 2002, Council adopted an ordinance to provide for an outdoor dining permit program and amended the Fee Compendium; fees per square foot of area approved for outdoor dining were as follows: \$6.50 per square foot for 2002, \$7.00 per square foot for 2003, and \$8.00 per square foot for 2004; to date, concerns regarding the fee structure have limited interest by applicants in applying for an outdoor dining permit; in an effort to jump-start restaurant applications for outdoor dining, a reduction in fees for calendar year 2002 should be considered; and the annual permit fee after calendar year 2004 will be reconsidered and established by Council as it deems appropriate.

The City Manager recommended that Council amend the Fee Compendium to provide that the original fee of \$6.50 per square foot will be reduced to \$3.25 per square foot for calendar year 2002, with a three month commitment by the applicant, and with the annual permit fee after calendar year 2004 being reconsidered and established by Council as it deems appropriate.

Mr. Bestpitch offered the following ordinance:

(#35943-061702) AN ORDINANCE directing amendment of the Fee Compendium; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 214.)

Mr. Bestpitch moved the adoption of Ordinance No. 35943-061702. The motion was seconded by Mr. Carder.

The City Manager advised that on April 1, 2002, Council adopted an ordinance that provided for an outdoor dining program and amended the Fee Compendium by requiring an application fee, in addition to a per square footage rate, for the leasing of City property, with a requirement that certain start up costs will be absorbed by prospective users of the outdoor dining activity. She further advised that as staff engaged in dialogue with a number of restauranteurs in the downtown area, concern was expressed that initial start up costs, purchase and/or lease of outdoor dining furniture, and the need to identify a suitable storage location for those functions when not in use has caused concern to potential applicants. She noted that the City would like to jump start the outdoor dining activity and an incentive for the first year only would be to reduce the square footage rate by one-half from \$6.50 per square foot to \$3.25 per square foot, with the restaurant making a commitment to be available and open for business at least three months out of the remainder of this calendar year. She stated that if Council approves the request, there is a potential for at least two applications within the next 24 hours for outdoor dining, and asked that Council approve the request as a one time start up for calendar year 2002 only.

Following discussion, Mr. Bestpitch requested that the matter be placed on the Council's Pending Items List for review at the end of the calendar year as to whether the square footage rate should remain at \$3.25. He expressed concern that the proposed square footage charges are considerably higher than those charged by other localities that encourage outdoor dining. In addition, he called attention to discussions by Council in regard to bringing the City's various fees in line with other localities.

The City Manager responded that the City of Roanoke is addressing outdoor dining differently from other communities to which Roanoke has been compared. She advised that Roanoke does not have the width of sidewalk that many other communities have which allows outdoor dining to spill out onto the sidewalks, and because the City of Roanoke is not closing streets on a permanent basis and creating a mall or plaza, certain additional expenses will be incurred due to the need for

barricades on those evenings that outdoor dining occurs, and special solid waste collections, both before and after, to ensure that the area is attractive for City market merchants and for restaurant use will be necessary. She explained that at either the \$6.50 or the \$3.25 per square foot rate, the City will be subsidizing outdoor dining which was the rationale behind a phased in approach up to a rate that would cover the City's costs. She stated that outdoor dining should be reviewed as frequently as necessary, particularly if there is considerable response to the concept.

When the rate structure is reviewed, Ms. Wyatt advised that the length of time that a restaurant commits to renting the space and the actual fees should be taken into consideration; for example: if the rate is \$8.00 per square foot for the year and the restaurant rents the space for only six months, that equals \$4.00 per square foot which is confusing and misleading.

Mr. White inquired about the maximum gross potential if all outdoor dining space is rented; whereupon, the City Manager advised that the figure would be in the range of \$30,000.00.

Mr. Harris advised that the original fees were based upon an estimate of cost recovery for a City service, and if the original rates do not bring the outdoor dining program to full recovery of costs, it then becomes a program that is subsidized by taxpayers. He stated that Council has asked a number of businesses to bear certain additional costs because of the financial condition of the City, the City has adopted the necessary ordinance for outdoor dining, and if the original fees were based on actual cost recovery, the fees should remain as stated in the Fee Compendium to avoid the appearance of favoritism of one industry over another. He stated that he would vote against the City Manager's recommendation based on that premise.

Mr. Bestpitch encouraged Council to review the matter following the first summer of outdoor dining because there will be a much better understanding of actual costs, at which time Mr. Harris' point should be taken into consideration. He stated that he would hope that there will be at least five affirmative votes of the Council in support of the ordinance on the premise that if outdoor dining is to be successful, a jump start may be needed, and the City may have to make more of an investment up front in order to realize a better return in terms of actual cost issues and quality of life.

The City Manager clarified her recommendation to provide that the \$3.25 square foot is with the agreement that the restaurant will guarantee a minimum of three months of operation.

Council Member Harris advised that in order to continue with the Council's business, and based upon the comments that have been made by the City Manager and his fellow Council Members, he will vote for the measure inasmuch as it is applicable to the year 2002 only, and to jump start the program, but after 2002, outdoor dining should be based on cost recovery.

The Mayor spoke in support of the farmers who have made the City Market the success it is today, and they should not be inconvenienced as a result of outdoor dining.

Ordinance No. 35943-061702 was adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

CITY ATTORNEY:

CITY CODE: The City Attorney submitted a written report advising that since 1982, Council has reenacted and recodified the City Code on an annual basis, in order to properly incorporate in the City Code those amendments made by the General Assembly at the previous Session to State statutes that are incorporated by reference in the City Code; the procedure ensures that ordinances codified in the City Code incorporate the most recent amendments to State law, and this incorporation by reference is frequently utilized in local codes to preclude having to set out lengthy provisions of State statutes in their entirety; in addition, the technique ensures that local ordinances are always consistent with State law as is generally required; and that the procedure whereby a local governing body incorporates State statutes by reference after action of the General Assembly has been approved by the Attorney General.

The City Attorney recommended that Council adopt an ordinance to readopt and reenact the Code of the City of Roanoke (1979), advising that if the ordinance is not adopted, City Code sections incorporating provisions of the State Code amended at the last Session of the General Assembly may not be deemed to include the recent amendments and may be impermissibly inconsistent which could result in the dismissal of criminal prosecutions under these City Code sections.

Mr. Bestpitch offered the following emergency ordinance:

(#35944-061702) AN ORDINANCE to readopt and reenact the Code of the City of Roanoke (1979), as amended; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 215.)

Mr. Bestpitch moved the adoption of Ordinance No. 35944-061702. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Harris, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Ordinance No. 35944-061702 was considered out of sequence at the 7:00 p.m. session of Council.)

(Mr. Hudson was absent.)

COUNCIL-BUDGET: The City Attorney submitted a written report transmitting a measure, at the request of Council Member Bestpitch, establishing annual salaries for the Mayor, Vice-Mayor and Council Members for the fiscal year beginning July 1, 2004, which will provide that the Mayor will receive an annual salary of \$19,189.00 and the Vice-Mayor and Members of City Council will receive \$14,925.00.

It was explained that on November 19, 2001, to be effective July 1, 2002, Council adopted an ordinance establishing the salary of the Mayor at \$18,000.00 per year and the salaries of the Vice-Mayor and Members of Council at \$14,490.00 per year; Section 15.2-1414.6, Code of Virginia, 1950, as amended, permits Council to establish the annual salaries of Members of Council, but provides that any increase in such salaries must be adopted at least four months prior to the date of the next municipal election, and no increase can take effect until July 1 after such election; the next regularly scheduled general election of Council Members will take place in May, 2004, thus any ordinance adopted by Council at this time increasing the salaries of Members of Council cannot take effect until July 1, 2004.

Mr. Bestpitch moved that action on the matter be tabled until the next regular meeting of Council on Monday, July 1, 2002. The motion was seconded by Mr. Carder and adopted.

(The item was considered out of sequence at the 7:00 p.m. session of Council. Mr. Hudson was absent.)

AIRPORT-CITY CODE: The City Attorney submitted a written report advising that in order to make all parking fines consistent, various sections of the City Code have been updated; whereupon, he transmitted an ordinance amending and reordaining City Code sections relating to parking at the Roanoke Regional Airport, to provide that penalties for all parking violations throughout the City of Roanoke are consistent.

Mr. Carder offered the following emergency ordinance:

(#35045-061702) AN ORDINANCE adding a new §4-5. Regulation of vehicular and pedestrian traffic – Powers and duties of city manager; amending and reordaining §4-6. Regulation of vehicular and pedestrian traffic – Violations – Generally; amending and reordaining §4-7. Same-Parking violations, of Article I, In General, of Chapter 4, Airport, of the Code of the City of Roanoke (1979), as amended, by the addition of a new subsection (b) and (c); and providing for an emergency and for an effective date.

(For full text of Ordinance, see Ordinance Book No. 65, page 217.)

Mr. Carder moved the adoption of Ordinance No. 35945-061702. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Harris, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Ordinance No. 35945-061702 was considered out of sequence at the 7:00 p.m., Council session. Mr. Hudson was absent.)

CITY CODE-CITY CHARTER-PROCUREMENT CODE: The City Attorney submitted a written report advising that as requested by Council, the General Assembly, at its 2002 Session, amended the City Charter to increase the threshold for formal competitive procurement from \$30,000.00 to \$50,000.00, which amendment is effective July 1, 2002, and will be applied to City procurement after that date; whereupon, he transmitted an ordinance conforming the City Code to the new Charter provision by amending the threshold for competitive procurement from \$30,000.00 to \$50,000.00; and said amendment also conforms the City Code to the Virginia Public Procurement Act.

Mr. Carder offered the following emergency ordinance:

(#35946-061702) AN ORDINANCE amending and reordaining §23.1-4(a) and (b), Requirement of bidding; power to reject bids, and §23.1-6(g) Exceptions to requirement of competitive procurement, of the Code of the City of Roanoke (1979), as amended, to increase the threshold amounts for competitive procurement from \$30,000.00 to \$50,000.00 consistent with amendments to the City of Roanoke Charter; and providing for an emergency and for an effective date

(For full text of Ordinance, see Ordinance Book No. 65, page 220.)

Mr. Carder moved the adoption of Ordinance No. 35946-061702. The motion was seconded by Mr. Harris.

The City Manager advised that the City Charter amendment brings the City Code and the City Charter into conformance with State Code which has, for several years, provided \$50,000.00 as the threshold at which competitive procurement must be provided. She explained that the City of Roanoke has abided by a lower threshold than is provided by the Code of Virginia.

Mr. White encouraged equitable distribution for purchase of goods and services by the City from a wide range of small businesses.

The Mayor expressed concern about the "good old boy network" which opens the door when raising the threshold from \$30,000.00 to \$50,000.00. He stated that he will support the City Manager's recommendation, but all vendors should have an equal opportunity to provide goods and services, a wide range of goods and services are needed by the City, however, it appears that the same vendors receive the business; therefore, he looks to management to solve the problem.

The City Manager advised that she understands the Mayor's concern and, noted that with greater responsibility comes greater accountability for those departments that work under her supervision. She stated that significant strides have been made in recent months to expand the City's vender list which will be carefully monitored by City staff and by Council.

Ordinance No. 35946-061702 was adopted by the following vote :

AYES: Council Members Bestpitch, Wyatt, White, Harris, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Ordinance No. 35946-061702 was considered out of sequence at the 7:00 p.m. session. Mr. Hudson was absent.)

DIRECTOR OF FINANCE:

BUDGET-GRANTS-SCHOOLS: The Director of Finance submitted a written report summarizing appropriation of the following School Board grants for fiscal year 2002-03:

- \$150,000.00 for the Title I Even Start Family Literacy Grant to provide staff and funding for parental and preschool workshops for family literacy efforts at the preschool and adult education levels.
- \$3,393,239.00 for the Title I Program to provide remedial reading, language arts and mathematics instruction for students in targeted schools.

- **\$1,173,825.00 for the Governor's School Program to provide instruction in science and math to high school students from seven feeder school districts. Local match in the amounts of \$443,210.00 and \$47,740.00 will be provided from Account Nos. 030-062-6001-6346-0588 and 030-065-6007-6998-0588, respectively.**
- **\$39,000.00 for the Summer Youth Employment program which provides training and hands-on experience for disadvantaged or handicapped youth from the inner city, with the goal of enhancing employment potential, developing employment competencies, and enabling students to earn academic credit toward high school.**
- **\$1,913,671.00 for the Flow Through Program to provide aid for the education and guidance of handicapped students.**
- **\$69,755.00 for the Child Specialty Services Program to provide funds for the salary and expenses of the educational coordinator.**
- **\$73,460.00 for the Child Development Clinic Program to provide funds for the salary and expenses of the educational coordinator at the Clinic.**
- **\$222,391.00 for the Juvenile Detention Home Program to provide funds for the salary and expenses of the educational coordinators.**
- **\$135,979.00 for the Preschool Incentive Program to provide orientation and evaluation for handicapped students who will be entering the public school system for the first time during the fall.**
- **\$170,173.00 for the Special Education Jail Program which provides funds for the salary and expenses of the staff providing special education instruction and screening services to inmates of the Roanoke City Jail.**
- **\$163,604.00 for the Adult Basic Education Program to provide funds for the education of adults who have not completed high school. Local match in the amount of \$22,700.00 will be provided from Account No. 030-062-6001-6450-0588.**
- **\$131,211.00 for the Apprenticeship Program to provide on-the-job and classroom vocational instruction for students in the apprenticeship program.**
- **\$49,960.00 for the Jobs for Virginia Graduates Program which follows the curriculum of the Jobs for America's Graduates program, to provide classroom training and work experience to assist at least 25 economically disadvantaged students to prepare for high school graduation or to sit for the General Education Development (GED) examination. Assistance will be provided to students to find employment in a job which will allow for transition from school to work. Local match in the amount of \$28,960.00 will be provided from Account No. 030-062-6001-6100-0204.**

- **\$397,251.00 for the Perkins Act Program to provide funds for vocational equipment.**
- **\$35,000.00 for the Regional Adult Education Specialist Program to provide ancillary and support services for the Adult Literacy and Basic Education Program in the planning district which includes the Cities of Roanoke, Salem, Covington and Clifton Forge and the Counties of Roanoke, Craig, Botetourt and Alleghany.**
- **\$150,098.00 for the Regional Adult Literacy (TAP) Program to provide funds for the administration of adult literacy programs in Alleghany County, Roanoke County and the Cities of Covington, Clifton Forge and Salem.**
- **\$18,612.00 for the General Education Development (GED) Testing Program to provide instructors for GED preparation classes and for administration of the GED examinations. The source of funds is student fees.**
- **\$26,913.00 for the Workplace Education Program to provide instructional programs developed with area business establishments for employees at the work sites. Programs include the development of knowledge and skills, in areas including preparation for the GED examination, reading comprehension, telephone usage, other work skills, and English as a second language. Funding for the program is provided through the assessment of fees.**
- **\$35,222.00 for the Regional Adult Basic Education Program to provide funds for administration of adult literacy programs in Botetourt County and Craig County. Roanoke City serves as the regional coordinating agency for Adult Basic Education. Funds pass through the school district to the jurisdictions indicated for adult literacy programs.**
- **\$21,341.00 for the Adult Education in the Jail Program to provide for instruction to inmates in the Roanoke City Jail to aid in acquisition of the General Education Development (GED) certificate.**
- **\$75,000.00 for the Grants Management Program to provide funding for operating expenses of the Office of Grants.**
- **\$35,000.00 for the Homeless Assistance Program to provide instructional services to homeless students.**
- **\$1,472,708.00 for the Alternative Education Program to provide alternative curriculum and training for high risk students at the Noel C. Taylor Learning Academy, with a focus on improving the total self concept of the student. Local match revenue in the amount of \$1,402,082.00 will be provided from Account No. 030-063-6001-6300-0588.**

- **\$212,232.00 for the Title V-A Program to provide funds for implementation of innovative instructional programs in the school district and to provide visiting teacher services. Local match in the amount of \$27,308.00 will be provided from Account No. 030-061-6001-6000-0202.**
- **\$122,107.00 for the Eisenhower Title II Professional Development program which provides funds for development of innovative math, science and technology teaching strategies to implement Virginia's Standards of Learning.**
- **\$760,522.00 for Title VI Class Size Reduction initiative which provides funds for the placement of 12 classroom teachers to be placed in grades one through three throughout the district to reduce class size in those grades to no higher than 18. Local match in the amount of \$145,566.00 will be provided from Account No. 030-061-6001-6000-0201.**
- **\$159,071.00 for the Roanoke Adolescent Health Partnership to provide for medical services to the Roanoke City Schools, in conjunction with the City of Roanoke Health Department and Carilion Health Systems. The program expenses are reimbursed by donations from Carilion Health Services.**
- **\$525,000.00 for the Blue Ridge Technical Academy to provide an educational training program for students at risk of academic failure and dropping out of school. The "regional high school" will provide 200 at-risk youth with the academic competencies and technical skills required to obtain substantial employment in the local labor market by focusing on skill development in the areas of manufacturing, technology, computer science and electronics, health and medical services, optics, and consumer services. The Technical Academy is chartered by the Roanoke City Public Schools, and is housed in the Roanoke Higher Education Center. Local match in the amount of \$150,000.00 will be provided from Account No. 030-062-6001-6143-0588.**

The Director of Finance recommended that Council adopt a budget ordinance establishing the above referenced School Board grants.

Mr. Carder offered the following emergency budget ordinance:

(#35947-061702) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 222.)

Mr. Carder moved the adoption of Ordinance No. 35947-061702. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Harris, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Ordinance No. 35947-061702 was considered out of sequence at the 7:00 p.m. session. Mr. Hudson was absent.)

REPORTS OF COMMITTEES:

ANNUAL REPORTS-COMMITTEES-HOUSING/AUTHORITY: Brenda A. Powell, Chair, Fair Housing Board, presented a written report of the Fair Housing Board advising that in October, the Board presented copies of a study in connection with an Analysis of the Impediment to Fair Housing, which was prepared by Housing Opportunities Made Equal (HOME), at the request of the Fair Housing Board and the City of Roanoke, and the following requests were submitted:

Financial assistance for fair housing discrimination awareness which has been accomplished by a grant received from the City's Community Development Block Grant, for the period July 2002 - June 2003.

Assistance from the City Attorney's Office in revising the fair housing ordinance to comply with both Federal and State laws, which will be presented to Council at a later date.

Ms. Powell advised that some persons do not know what fair housing discrimination includes, or the effects it can have on an entire community; and the more knowledge that citizens have of fair housing laws, the more they will be able to benefit from the laws and learn to comply, and the analysis of the impediments study is more than a summary of illegal acts, but a study of barriers to housing choice.

She called attention to a recent visit by HOME representatives to Roanoke for a press conference, which restated and further staked claim that fair housing issues are indeed alive and well in the City of Roanoke and the Roanoke Valley; therefore, the Fair Housing Board and the City of Roanoke must begin at the beginning; housing discrimination affects the entire community and no act of discrimination is more or less significant than another; and from the 42 impediments, three main areas have been identified for discussion with Council.

Ms. Powell advised that first is Education and Outreach which is the most critical step in helping individuals to understand fair housing laws and may be accomplished by the following aggressive campaign that will begin during the next fiscal year involving the Fair Housing Board, the Fair Housing Administrator and other staff from the Housing and Neighborhood Services Department to perform the following:

Workshops, Training Session and Seminars that will be geared toward all segments of the community, including Council, City staff, Fair Housing Board Members, realtors, home builders, appraisers, developers, lenders, landlords, tenants, neighborhood leaders, youth, religious groups, citizens and other home providers and concerned individuals in the community ;

Media Blitz Campaign which will include advertising in newspapers, on television and radio, billboards, buses, etc.;

Fair Housing Booklet which is a comprehensive booklet that will be developed to address all facets of fair housing laws, including information on landlord-tenant rights and how some practices may be discriminatory; and

Conference - work is already underway to include a session on fair housing in the Third Annual Housing Symposium sponsored by the Roanoke Regional Housing Network in the fall of 2002; and

Fair Housing Administrator - It is requested that Housing and Neighborhood Services continue to provide the current Fair Housing Administrator with adequate time to carry out the projects that have been identified in the report in order for this year long campaign to be successful.

Second, Ms. Powell requested that there be regional cooperation and that the Members of Council begin dialogue with Roanoke County, Salem and Vinton to address housing discrimination and its impact on the quality of life for all citizens and the economic impact on the Roanoke Valley, since everyone must recognize and acknowledge the need for regional cooperation to eliminate barriers to housing choice and actively support development of a co-operative mechanism to eradicate unfair housing practices; and one suggestion is a Regional Fair Housing Council with the ability to address fair housing issues in the Roanoke Valley.

Third, Ms. Powell referred to the issue of public transportation which is an important impediment that was identified in the study because severe limitations are placed on housing choice by the lack of a metropolitan area-wide public transportation system; without adequate transportation, some citizens cannot find work that would provide them with the financial base needed to seek housing to expand their housing choices in the Roanoke Valley; whereupon, she offered the following suggestions:

Hold a regional meeting of government representatives and business leaders to discuss and identify a source of funding to extend transportation, including public and para-transit into surrounding areas.

Conduct a regional comprehensive study or review past studies on a valley-wide transportation system. One such group is the Regional Network for Transportation, created in 1997, which is not currently meeting but could be the basis for beginning dialogue.

The City should consider the way it spends public transportation money and should aim to use the money for business, routes and times that attract the widest ridership or best meets ridership population.

In summary, Ms. Powell advised that the above referenced suggestions will address fair housing discrimination issues in the City of Roanoke and increase public awareness, help eliminate impediments to fair housing, create an open housing market, improve the quality of life for many citizens, and enhance the economic health of the Roanoke Valley.

BONDS/BOND ISSUES: A communication from the Roanoke City School Board requesting appropriation of funds to the following school accounts, was before Council.

- \$92,700.00 from reallocated VPSA Bond funds from Fishburn Park and Fairview renovations to be used for installation of a limited use/limited application elevator at Ruffner Middle School.**
- \$95,780.00 from reallocated VPSA Bond funds from Fishburn Park and Fairview renovations to be used for renovation of the Lincoln Terrace Saturn Network School.**

A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.

Mr. Carder offered the following emergency budget ordinance:

(#35948-061702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 School Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 224.)

Mr. Carder moved the adoption of Ordinance No. 35948-061702. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Hudson, Harris, Carder, and Mayor Smith-----7.

NAYS: None-----0.

UNFINISHED BUSINESS: None.

At 5:05 p.m., the Mayor declared the meeting in recess to be reconvened at 7:00 p.m., in the City Council Chamber.

(Following dinner, the Members of Council and City staff attended the Southeast Community Celebration Rally to kick off the process to revitalize the Bullitt-Jamison corridor at the corner of Jamison Avenue and 11th Street, S. E.)

At 7:00 p.m., the regular meeting reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members William D. Bestpitch, Linda F. Wyatt, William White, Sr., C. Nelson Harris, William H. Carder and Mayor Ralph K. Smith-----6.

ABSENT: Council Member W. Alvin Hudson, Jr.-----1.

The reconvened meeting was opened with a prayer by Mayor Ralph K. Smith.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

DIRECTOR OF FINANCE-CITY CLERK-BUDGET-CITY ATTORNEY-CITY MANAGER-REAL ESTATE VALUATION-MUNICIPAL AUDITOR: Mr. Carder offered the following emergency ordinance established the salaries of the six Council Appointed officer's effective July 31, 2002:

(#35949-061702) AN ORDINANCE establishing compensation for the City Manager, City Attorney, Director of Finance, Director of Real Estate Valuation, Municipal Auditor and City Clerk as of July 31, 2002, for the fiscal year beginning July 1, 2002; and providing for an emergency and an effective date.

(For full text of Ordinance, see Ordinance Book No. 65, page 225.)

Mr. Carder moved the adoption of Ordinance No. 35949-061702. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Harris, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRES AND/OR COMMENTS BY THE MEMBERS OF COUNCIL:

COMMITTEES-SCHOOLS: In view of the resignation of Sherman P. Lea as a Trustee of the Roanoke City School Board, Council Member Harris requested that the City Attorney review the procedure for filling an unexpired term on the School Board.

The City Attorney advised that prior to the filling of a vacancy on the School Board created by other than the ordinary expiration of a term, Council shall, at least seven days prior to the appointment, hold a public hearing to receive the views of citizens; at least ten days prior to any such hearing, public notice shall be given by publication in a newspaper of general circulation in the City; and before any person is appointed to the School Board, the individual's name shall be considered at a public hearing.

It was the consensus of Council that the City Clerk would begin the process of advertising for applications for appointment to fill the unexpired term of office of Mr. Lea, ending June 30, 2003.

ACTS OF ACKNOWLEDGEMENT-DECEASED PERSONS-WAR MEMORIAL: Council Member Bestpitch referred to a communication from Ms. Loretta A. Young, sister of the late Donald McArthur Young, who was killed during an attack on the Pentagon on September 11, 2001, in which she expressing appreciation by the Young family for the recognition her brother received at the Roanoke Valley Memorial Day Ceremony on Monday, May 27, 2002 in Lee Plaza in downtown Roanoke.

ARMORY/STADIUM-SPECIAL EVENTS: The Mayor encouraged citizens of the Roanoke Valley to attend and participate in numerous July 4th activities, i.e; the celebration at Victory Stadium, the Williamson Road parade sponsored by the Williamson Road Area Business Association, and the Roanoke River Clean-up sponsored by the Kiwanis Club.

TRAFFIC-COMPLAINTS-YOUTH-STREETS AND ALLEYS: Council Member Wyatt referred to continuing concerns of business owners in the area of Williamson Road/Trinkle Avenue, N. W., regarding teenagers congregating from dusk until midnight. She advised that business owners support the gating/barricading of that portion of Williamson Road to vehicular traffic, and requested that the matter be referred to the City Manager to contact effected businesses.

OATHS OF OFFICE-COMMITTEES-LIBRARIES: The Mayor advised that there is a vacancy on the Roanoke Public Library Board created by the resignation of JoAnn F. Hayden, and called for nominations to fill the vacancy.

Mr. White placed in nomination the name of Pamela S. White.

There being no further nominations, Pamela S. White was appointed as a member of the Roanoke Public Library Board, for a term ending June 30, 2005, by the following vote:

FOR MS. WHITE: Council Members Bestpitch, Wyatt, White, Harris, Carder and Mayor Smith-----6.

(Council Member Hudson was absent.)

CITY MANAGER COMMENTS:

WATER RESOURCES: In view of the current water shortage, the City Manager advised that as of Tuesday, June 18, 2002, the City of Roanoke will begin the purchase of water from the City of Salem, and the purchase of water from Roanoke County on Friday, June 21, 2002. She further advised that the City will observe mandatory water restrictions beginning Tuesday, June 18, with no outdoor water usage permitted; it is anticipated that the Crystal Spring Reservoir will be online in early October as opposed to November; on a temporary basis, it is hoped to implement a micro filtration system at the Crystal Spring Reservoir, which, if approved, could be in effect in 30-45 days; two additional wells are online for water production; locations where citizens may obtain non-potable water for yards and garden purposes will be announced; and there will be continuing public education on the use of available water sources.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

COMPLAINTS-HOUSING/AUTHORITY: Ms. Helen E. Davis, 35 Patton Avenue, N. E., addressed Council with regard to providing screen doors for housing units at the Lincoln Terrace housing development. She stated that although it is regrettable that screen doors will not be furnished by the Roanoke Redevelopment and Housing Authority, it was hoped that City Council would demand that the Housing Authority install screen doors on both the front and back doors of residences.

POLICE DEPARTMENT-COMPLAINTS-PARKS AND RECREATION-FIRE DEPARTMENT-COMMITTEES-ARMORY/STADIUM-REFUSE COLLECTION-HOUSING/AUTHORITY-CITY EMPLOYEES: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that it is with much sadness that the following items are to be passed from the current Council to the Council that will take office on July 1, 2002:

1. Inappropriate expenditure of taxpayers' money to award bonuses to certain select City employees without regard to established personnel guidelines.
2. The proposed closing of several fire stations in predominantly black neighborhoods with little information regarding replacement stations, locations, dates, etc.
3. Despite the City Manager's efforts regarding refuse collection service in the northwest section of the City, there have been no improvements, and conditions have deteriorated since curbside refuse collection service was initiated.
4. The police satellite station in the northwest section of the City, although improperly manned, was closed and no relocation plans were announced.
5. Citizens of Roanoke have not been fairly represented (residents of Lincoln Terrace housing development presented petitions to Council regarding the need for screen doors on both the front and back of residences).
6. Will Victory Stadium be demolished and a smaller complex constructed on contaminated land in a well established commercial and residential area; and will additional testing be done with regard to noise and light filtering into the neighboring area?
7. The need to immediately schedule a City-wide meeting to inform citizens with regard to the Volunteer Committee's recommendations for improvements to Booker T. Washington Park.

PUBLIC HEARINGS:

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 17, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Baker Avenue Properties, Ltd., that a portion of an alley extending in a westerly direction from 31st Street, N. W., between Baker Avenue and Breckinridge Avenue, for a distance of approximately 209.5 feet through the middle of property bearing Official Tax No. 2510104, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, May 31, 2002, and Friday, June 7, 2002.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission advising that the portion of alley requested for closure lies in a redevelopment area; recently, the Roanoke Redevelopment and Housing Authority Board of Commissioners voted to discontinue it as such, but an official amendment has yet to be processed; the alley that the petitioner requests a portion of which to be closed is entirely unimproved; and the unimproved portion of alley splits the petitioner's property and closure will reduce impediments for development, was before Council.

The City Planning Commission recommended that Council approve the closure, contingent upon certain items listed in the report, and advised that the portion of alley in question divides the petitioner's parcel and has no utilitarian value to the City.

Mr. Carder offered the following emergency ordinance:

(#35950-061702) AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 207.)

Mr. Carder moved the adoption of Ordinance No. 35950-061702. The motion was seconded by Mr. Bestpitch.

The Mayor inquired if there are persons present who would like to address Council in connection with the matter. There being none, Ordinance No. 35950-061702 was adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Harris, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

The Mayor declared the public hearing closed.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 17, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Carilion Medical Center and the City of Roanoke Redevelopment and Housing Authority that six parcels of land lying on the south side of Jefferson Street, S. E., between the Norfolk Southern right-of-way and the Roanoke River, bearing Official Tax Nos. 4040501 - 4040503, inclusive, and 4040506 - 4040508, inclusive, be rezoned from HM, Heavy Manufacturing District, to INPUD, Institutional Planned Unit Development District, subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Saturday, June 1, 2002, and on Saturday, June 8, 2002.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission advising that the South Jefferson Redevelopment Plan was approved by Council on March 19, 2001; the South Jefferson Redevelopment Area, located east of the Roy L. Webber Expressway, west of the Roanoke River, south of the Elm Avenue interchange with Interstate 581, and north of Wiley Drive, is expected to provide up to two million square feet of building space, attract up to \$300 million in private capital expenditures, and provide up to 500 new, technical jobs for the region; the Plan identified three general areas for redevelopment: (1) the Jefferson Street Corridor, (2) Campus and Institutional area in the vicinity of Reserve Avenue, and (3) the Crossing, in the vicinity of railroad development and warehouses; four classifications of land uses were identified: institutional mixed use (i.e. research, biomedical and support uses), commercial support use (i.e. office, business support), commercial and residential mixed use (i.e. flexible, combination business and residential space), and public use (i.e. greenways and open space); and public improvements are proposed, including upgraded transportation corridors, new public open spaces, and improved interstate access, was before Council.

It was further advised that Riverside Centre for Research and Technology, an institutional mixed-use complex, is proposed for the Jefferson Street/Reserve Avenue corridor; phase 1 of the facility includes construction of a parking garage and support services east of Jefferson Street toward the Roanoke River on approximately 7.5 acres of land; initially, the facilities will serve Carilion Roanoke Memorial Hospital, but in the future, use will be expanded for the proposed Carilion Biomedical Institute, a planned facility for Riverside Centre.

The City Planning Commission recommended that Council approve the request for rezoning, and advised that the proposed development is in accordance with the comprehensive plan inasmuch as it will support development of a sustainable, diverse economic base and redevelops an underutilized industrial site.

Mr. Carder offered the following ordinance:

(#35951-061702) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 404, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 229.)

Mr. Carder moved the adoption of Ordinance No. 35951-061702. The motion was seconded by Ms. Wyatt.

The Mayor inquired if there are persons present who would like to address Council in connection with the matter. There being none, Ordinance No. 35951-061702 was adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, Harris, Carder, and Mayor Smith---5.

NAYS: None-----0.

(Council Member Hudson was absent.) (Council Member White abstained from voting inasmuch as he serves on the Carilion Medical Center Board of Directors.)

The Mayor declared the public hearing closed.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 17, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Matthew T. and Sally G. O'Bryan that a portion of property located at 902 Penmar Avenue, S. E., being a 0.0324 acre portion, more or less, of Official Tax No. 4130410, be rezoned from RM-1, Residential Multi-Family Low Density District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioners, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, May 31, 2002, and on Friday, June 7, 2002.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission advising that the purpose of the request for rezoning is to allow the existing accessory building on Ninth Street, S. E., to be used for a commercial business, and there is also an existing house on the lot, was before Council.

The City Planning Commission recommended that Council approve the request for rezoning, and advised that the petitioner has amended his initial petition to better accommodate the neighborhood area, zoning for the proposed property will be contiguous to existing C-2, General Commercial District, and the primary building on the property will continue to be residential in use.

Mr. Carder offered the following ordinance:

(#35952-061702) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 413, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 231.)

Mr. Carder moved the adoption of Ordinance No. 35952-061702. The motion was seconded by Mr. Harris.

The Mayor inquired if there are persons present who would like to address Council in connection with the matter.

Mr. Robert E. Zimmerman, 1510 Langhorne Street, S. E., advised that he did not appear before Council either for or against the rezoning. He stated that he owns property across the street from the area proposed to be rezoned and he has lived in the neighborhood for 40+ years, and asked that there be some assurance that no alcoholic beverages, either on or off premises, will be permitted. He called attention to two public schools within a two blocks of the area in question, and three churches within a two block radius. He spoke in support of any use for the building that will help the neighborhood. Later during the meeting, it was noted that the petitioner has proffered that no alcoholic beverages will be permitted.

Mr. Bestpitch spoke in support of finding an appropriate use for the building and advised that based on the history of the building, it appears that the best use is some type of commercial enterprise. However, he expressed concern as to whether C-2 zoning is the appropriate classification. He explained that Council is being asked to take another tax parcel and divide it into two separate sections and for two different zoning classifications on the same tax parcel. He stated that C-2 zoning requires, among other things, a 20' side yard, or a 20' setback on the side of the property to the adjacent property; the portion of the property that Council is being requested to rezone is a building that was originally constructed as a two-car garage, which is located at the sidewalk with essentially no set back; and the side of the house is attached to the top edge of the roof of the garage and there is no separation between the portion that would consist of the building that Council is being asked to rezone to C-2 and the house which will remain residential, RM-1. He explained that when the rezoning process began, the initial intent was to request CN rezoning for the property; whereupon Mr. Bestpitch questioned the rationale of City Planning staff by encouraging the petitioner to move in a different direction. He stated that CN zoning requires only a 15' setback on the side yard which is closer to meeting the setback than splitting the tax parcel into part C-2 and part RM-1, CN zoning provides for a dwelling unit above a non-residential use; and the top of the garage is level with the bottom of the house, therefore, the house is above the garage. He expressed support for rezoning the entire property because at some time in the future, the present owners may wish to subdivide the property and they will have to request variances on two portions of the property. He stated that there should be a way to

rezone the entire tax parcel to CN and create a waiver or variance in connection with the side yard requirement. He requested that proffers to the rezoning clarify that existing residential structures will continue to be used for residential purposes and not converted to commercial use. He inquired as to what is required, procedurally, to achieve a CN zoning classification.

The City Attorney advised that the applicant would be required to file an amended petition to rezone the portion of the property that they propose to leave as residential, and owners of the property would be required to file the proffers to rezoning. He stated that any variance would have to be granted by the Board of Zoning Appeals which is usually done contemporaneously, with one subject to the other.

Mr. Natt advised that on September 6, 2001, he filed a petition requesting that the property be rezoned to CN, Neighborhood Commercial District, and appeared before the City Planning Commission on two occasions. He read portions of a letter from City Planning staff which stated that C-2 zoning exists across the street, and an alternative to CN zoning may be to extend the C-2, General Commercial District, and zone only a portion of the property, which approach would provide the petitioner with a rezoning that is more consistent for the area and would maintain the residential structure and residential zoning. Mr. Natt stated that one of the concerns of City staff was the fact that if the property is rezoned to CN, the residential use would then become nonconforming. He explained that he started the rezoning process by requesting a CN zoning classification, but was advised that that was not the way to go, and it took nine months to reach this point. He stated that he did not disagree with Mr. Bestpitch, but his client worked with City Planning staff, who suggested C-2 zoning, and he was reluctant to go back to his client with the message that Council intends to go back to his original request of nine months ago, and with the knowledge that his client will incur additional expenses.

The City Attorney was asked to respond as to whether there is a way to move through the zoning ordinance revision process to include property under similar circumstances, (one parcel that has two different zoning designations); whereupon, the City Attorney suggested that City Planners review those instances where conditions have been placed on conditional rezonings. He stated that it is permissible to have a lot with two different zoning classifications, although such is not the intent of the zoning ordinance. He advised that he did not know if an overall solution could be reached through the zoning ordinance revision, but it is something that should be kept in mind when working on the new zoning ordinance.

Mr. Bestpitch requested that such instances be flagged by City Planning staff for review as a part of the zoning ordinance revision. He stated that he is against the practice of continuing to bring these types of rezonings to Council.

Ordinance No. 35952-061702 was adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Harris, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 17, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Robert Evan, L.L.C., that a portion of Hite Street, S. W., extending from the southerly end of the existing cul-de-sac in a southerly direction for approximately 371.06 feet, more or less, to the northerly line of the right-of-way of U. S. Route 220 in the City of Roanoke, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Saturday, June 1, 2002 and on Saturday, June 8, 2002.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission recommending approval of the request for closure, upon certain conditions, and advising that the portion of right-of-way in question has no utilitarian value to the City, and the City Planning Commission does not recommend sale of the portion of right-of-way, was before Council.

Mr. White offered the following ordinance:

"AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title."

Mr. White moved the adoption of the ordinance. The motion was seconded by Mr. Carder.

Mr. Bestpitch advised that the area in question has recently been graded, trees and other vegetation have been removed and gravel spread on City property; whereupon, Robert Freeman, Principal, Robert Evans, LLC, advised that the area will be reseeded, should the City choose not to vacate the right-of-way.

The City Manager called attention to correspondence that was recently provided to Council in which she recommended that the City offer the property for purchase only and not for donation. She stated that City Planning staff discussed the matter with Mr. Freeman, who is not willing to purchase the property, and noted that Council could either donate the property, or deny the request for right-of-way.

She called attention to concerns of residents of the area with regard to increased traffic which has been generated by the recently opened gymnasium. She stated that Mr. Freeman advises that he intends to use the land for parking since he owns an adjacent parcel of land on which he plans to construct a building that will house a clothing wholesale operation that involve some retail sales, and such use will also have a traffic impact since delivery trucks will be accessing the area via Hite Street. She recommended that Council table the matter for 30 days to provide City staff with an opportunity to assess the traffic impact and whether or not other traffic accommodations will need to be made to address additional development.

Mr. Carder offered a substitute motion that action on the matter be tabled for 30 days, or until the regular meeting of Council on Monday July 15, 2002, at 7:00 p.m., as soon thereafter as the matter may be heard. The motion was seconded by Mr. Bestpitch and adopted.

CITY CODE-ZONING-COMMITTEES: Pursuant to Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 17, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to consider amendment and revision to Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to increase the number of members of the Board of Zoning Appeals for the City of Roanoke, and to increase the number of concurring votes necessary for the Board to act, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, May 31, 2002, and on Friday, June 7, 2002.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission recommending that Council amend the Zoning Ordinance to provide for appointment of seven members to the Board of Zoning Appeals and increase the number of concurring votes necessary for the Board to take action to four, was before the body.

Mr. Carder offered the following ordinance:

(#35953-061702) AN ORDINANCE amending and reordaining §36.1-650, Continued; composition; appointment and terms of members, etc., and subsection (a) of 36.1-653, Exercise of powers general; administration of oath and compelling attendance of witnesses, of Division 3, Board of Zoning Appeals, of Article VII, Administration, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, to increase the number of members of the Board of Zoning Appeals for the City of Roanoke, and to increase the number of concurring votes necessary to take action; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 232.)

Mr. Carder moved the adoption of Ordinance No. 35953-061702. The motion was seconded by Mr. Harris.

The Mayor inquired if there are persons present who would like to address Council in connection with the matter; whereupon, Ms. Joel M. Richert, 415 Allison Avenue, S. W., advised that she was speaking as a private citizen and not as a member of the Board of Zoning Appeals. She requested background information on the decision of Council to increase membership at the Board of Zoning Appeals from five to seven, and advised that in the past there was a concern with regard to attendance by the five members of the Board; however, in the past year, new members have been appointed and attendance has improved. She stated that all five members of the Board of Zoning Appeals are certified, the five members work well as a body, with a good attendance record and membership balance.

Mr. Carder advised that the recommendation was included in the boards and commissions reorganization process that was approved by Council last year and also related to an attendance issue. He stated that following research by the City Attorney regarding Boards of Zoning Appeals in other localities, it was determined that seven in numbers would provide better representation in the future.

Ms. Wyatt advised that the committee that reviewed boards and commissions also looked at overall consistency on boards and commissions, and noted that the School Board, City Planning Commission, Architectural Review Board, Roanoke Redevelopment and Housing Authority and Industrial Development Authority consist of seven members, which correspond with the seven members of City Council, therefor, consistency would be achieved by increasing the membership to seven on the Board of Zoning Appeals,

Ordinance No. 35953-061702 was adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Harris, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 17, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to consider amendment and revision to Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to provide for towing services and wrecker services under certain conditions in General Commercial, Light Manufacturing, and Heavy Manufacturing Districts, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, May 31, 2002, and on Friday, June 7, 2002.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission recommending that Council approve the proposed amendments to the Zoning Ordinance, advising that the amendments will further define, clarify and distinguish, for regulation and code enforcement purposes, tow truck operations and will promote public welfare and safety relative to such land uses, was before the body.

Mr. Carder offered the following ordinance:

"AN ORDINANCE amending the reordaining §36.1-25 Definitions, by deleting the definition of tow truck operation and adding the definitions of towing services and wrecker services; §36.1-206, Permitted uses, C-2, General Commercial District; §36.1-249, Permitted uses, LM, Light Manufacturing District; §36.1-250, Special exception uses, LM, Light Manufacturing District; §36.1-270 Permitted uses, HM, Heavy Manufacturing District; and §36.1-271, Special exception uses, HM, Heavy Manufacturing District, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, to provide for towing services and wrecker services under certain conditions in those zoning districts; and dispensing with the second reading by title of this ordinance."

Mr. Carder moved the adoption of the ordinance. The motion was seconded by Mr. Harris.

The Mayor advised that since advertisement of the public hearing staff has determined that there should be further revisions to the proposed ordinance which will require further consideration by the City Planning Commission.

The Mayor inquired if there were persons in attendance who would like to address Council in connection with the matter.

Mr. Robert Young, 210 Carver Avenue, N. E., advised that representation of the towing industry would like to be involved in the proposed revisions. He stated that it would be illegal to operate a service station that sells gas, and performs vehicle repairs and towing services. He spoke in support of an enclosed fence around vehicle areas and asked that the City cooperate with the towing industry.

Mr. Rodney Graham, 413 Rorer Avenue, S. W., questioned the type of fence that will be required by the City around facilities where vehicles are stored.

The City Manager clarified that the intent of referring the matter back to the City Planning Commission is not to necessarily modify City Code sections pertaining to towing operations, but to bring forward simultaneously those changes that are necessary for other sections of the City Code not related to towing that will be impacted by the proposed amendments.

Without objection by Council, the Mayor advised that the matter would be referred back to the City Planning Commission for further study, report and recommendation to Council.

LEASES-MARKET SQUARE PARKING GARAGE: Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, June 17, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to lease 3,000 square feet of retail space in the Market Square Parking Garage, 11 Campbell Avenue, S. W., to Orvis Roanoke, Inc., for a period of no more than five years, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, June 9, 2002.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Manager submitted a communication advising that the City of Roanoke currently leases 3,000 square feet of retail space to Orvis Roanoke, Inc.; current lease agreement of the property located at 11 Campbell Avenue S. E, commonly known as the Market Square Parking Garage, expires on August 31, 2002; Orvis Roanoke, Inc., has expressed interest in continuing the lease of space beyond the current term; and to continue the lease of property, a new lease agreement is

required; currently, Orvis pays \$876.81 per month (\$10,521.72 per year) base rent; the current agreement also requires Orvis to pay an additional rent amount based on a percentage of gross sales generated from the leased premises; the amount paid for the current fiscal year was \$11,390.00; and total rents paid for fiscal year 2002 equal \$21,911.72.

It was further advised that negotiations for a new agreement include a start date of September 1, 2002, for a term of five years; rent for the new agreement will increase to \$900.00 per month (\$10,800.00 per year), plus an annual increase based on the Consumer Price Index; in addition to the base fee for rent, Orvis will pay an additional amount based on sales; Orvis will pay one percent of the first \$500,000.00 in gross revenue from sales made from the leased premises each year, three percent of gross revenue of \$500,000.00 to \$1,000,000.00, and four percent of gross revenue over \$1,000,000.00, which sum shall be payable within 60 days of the end of each calendar year.

The City Manager recommended that she be authorized to offer and execute a new lease agreement between the City of Roanoke and Orvis Roanoke, Inc., for a term of five years.

Mr. Bestpitch offered the following ordinance:

(#35954-061702) AN ORDINANCE authorizing the City Manager to enter into an agreement with Orvis Roanoke, Inc., for the lease of retail space of property located at 11 Campbell Avenue, S. E., for use by Orvis Roanoke, Inc., upon certain terms and conditions, and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 234.)

Mr. Bestpitch moved the adoption of Ordinance No. 35954-061702. The motion was seconded by Ms. Wyatt.

The Mayor inquired if there are persons present who would like to address Council in connection with the matter. There being none, Ordinance No. 35954-061702 was adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Harris, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

EASEMENTS-PARKS AND RECREATION-UTILITY LINE SERVICES: Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, June 17, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of the City of Roanoke to grant an easement across City-owned property located between Wasena Park and 13th Street, to Appalachian Power Co., d/b/a American Electric Power, to relocate and reconstruct existing electrical transmission and distribution lines and to vacate existing easements, in connection with the Roanoke River Flood Reduction Project, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, June 9, 2002.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Manager submitted a communication advising that the U. S. Army Corps of Engineers Roanoke River Flood Reduction Project contains channel widening and a greenway trail between Wasena Park and 13th Street; along portions of the project, Appalachian Power Company (AEP) has existing easements for various overhead electrical transmission and distribution lines located in the path of the project; the City has requested that AEP relocate several of the lines located on City-owned property to accommodate the Roanoke River Flood Reduction Project; since AEP holds existing easements on the properties, they do not fall under the City's standard franchise agreement; existing easements will be vacated as a condition of granting new easements; and new easements across City-owned property are required for AEP to relocate its electric transmission and distribution lines, communication lines and associated above ground equipment, in, on, along, through, over, across and under certain City property.

The City Manager recommended that she be authorized to execute the appropriate documents granting easements across City-owned property to Appalachian Power Company, d/b/a American Electric Power, and vacating existing easements, for the purpose of relocating, reconstructing, owning, and operating electrical transmission and distribution lines and associated above ground equipment.

Mr. Carder offered the following ordinance:

(#35955-061702) AN ORDINANCE authorizing the City Manager to grant an easement to Appalachian Power Company, d/b/a American Electric Power ("AEP") for the relocation of existing overhead electrical transmission and distribution lines; vacating of the easement within such existing lines on City property; upon certain terms and conditions; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 235.)

Mr. Carder moved the adoption of Ordinance No. 35955-061702. The motion was seconded by Mr. Harris.

The Mayor inquired if there are persons present who would like to address Council in connection with the matter. There being none, Ordinance No. 35955-061702 was adopted by the following vote:

AYES: Council Members Bestpitch, Wyatt, White, Harris, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard; and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

COMPLAINTS-CITY EMPLOYEES-WATER RESOURCES: Mr. Robert Gravely, 1617 Hanover Avenue, N. W., addressed Council with regard to the water shortage and insufficient wages for City employees.

ROANOKE CIVIC CENTER: The City Manager advised that earlier in the meeting, Council Members raised specific questions with regard to the proposed contract with Tickets.com; whereupon, she called upon James M. Evans, Director, Civic Facilities, to address the matter.

Mr. Evans advised that the primary questions were related to franchise circumstances and the ability to sell tickets. He stated that in the course of negotiations for the contract, it was clear to both parties that the intent is that ticket sales at the franchise locations would be considered the same as ticket sales at the box office, which means that there is no customer service charge of any kind for such services. He further stated that the proposed contract with Tickets.com Inc., is an improvement over the current arrangement for season tickets which requires a \$3.00 service charge for billing paid by season ticket consumers. He explained that the current agreement with Ticketmaster will expire in 45 days and a commitment is required on the part of Tickets.com, Inc., in terms of ordering data lines, equipment, training and the transition process.

In response to a previous question raised by Council Member Wyatt, Mr. Evans advised that the intent is to limit the civic center's ability to sell tickets that are not on the Tickets.com system through an exclusive arrangement which is not intended to prohibit any sales through selected box office facilities that would include any and

all franchise facilities. He advised that the agreement with Tickets.com, Inc., reduces the cost for tickets due to elimination of the \$3.00 charge for setting up the season ticket process, there is no charge to the customer for tickets purchased at the box office or any of the franchise offices, and a service charge would apply to tickets purchased at an outlet, over the telephone using a credit card, or on the Internet.

Mr. Carder moved that Resolution No. 35926-061702 be removed from the table. The motion was seconded by Mr. Harris and adopted.

Resolution No. 35926-061702 was adopted by the following vote:

AYES: Council Member Bestpitch, Wyatt, White, Harris, Carder, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

There being no further business, the Mayor declared the meeting adjourned at 9:00 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
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CityWeb: www.roanokegov.com

August 5, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Vacation and Dedication of Sanitary Sewer
Easement – 3138 Gum Spring Street, SE
Tax Map No. 4200901

Pursuant to the requirements of the Virginia Code, the City of Roanoke is required to hold a public hearing on the proposed vacation of property rights. This is to request that a public hearing be advertised on the above matter for Council's regular meeting to be held on Monday, August 19, 2002. A full report will be included in the August 19, 2002, agenda material for your consideration.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB/SEF

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sarah E. Fitton, Engineering Coordinator

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 5, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request For Public
Hearing to Consider Lease
of City Owned Property

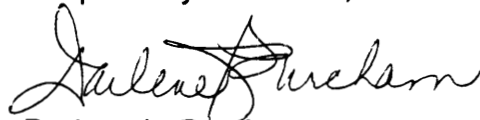
Cellco Partnership, a Delaware general partnership, d/b/a/ Verizon Wireless with its principal office at 180 Washington Valley Road, Bedminster, New Jersey 07921, has requested to lease a portion of the Washington Heights Water Tank and ground site, which is located in the 4100 block of Wyoming Avenue, Tax Map No. 2770406. The purpose of this request is to install directional antennas, connecting cables and appurtenances.

To lease this property, a new lease agreement is required as well as a public hearing. The terms and conditions of this lease are in accordance with the City of Roanoke Policy as to Wireless Telecommunication Facilities located on City Property dated January 21, 1997. The term of this lease shall be four (4) years and eleven (11) months commencing on September 1, 2002 and expiring on July 31, 2007. This lease may be renewed for up to two (2) five (5) year terms upon mutual agreement by the parties.

Recommended Action:

Authorize the scheduling and advertising of a public hearing to consider entering into a new lease agreement between the City of Roanoke and Cellco Partnership, a Delaware general partnership, d/b/a/ Verizon Wireless.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:je

- c: Mary F. Parker, City Clerk
George C. Snead, Jr., Assistant City Manager for Operations
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Michael McEvoy, Director of Utilities
Jesse Perdue, Water Division Manager
- Will Claytor, Director of Real Estate Valuation

CM02-0167

CITY OF ROANOKE
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August 5, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request for Public Hearing for
Deed of Release and
Dedication Deed of Quitclaim

The City of Roanoke Water Division was contacted by a developer, John Griffin, regarding a new subdivision named Kingston Estates he is constructing in Roanoke County. The main water distribution line from the Falling Creek Filtration Plant runs through the property he is developing. The water line has existed in this location for about 100 years.

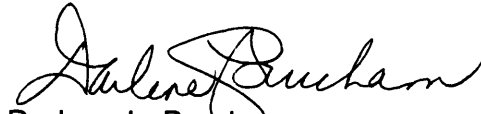
The City has requested the contractor to locate the water line in a new easement outside the lots in a dedicated water line easement; the new line and the new easement will be in place before the existing easement is vacated. The contractor has requested the City to quitclaim its easement through the roadways which VDOT requires in order to accept the road system for maintenance.

Honorable Mayor and Members of Council
Request for Public Hearing for Deed of Release and Dedication Deed of
Quitclaim
August 5, 2002
Page 2

Recommended Action:

Authorize the scheduling and advertising of a public hearing to establish a new water line easement and Deed of Quitclaim for the easement through the roadway right-of-way.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:je

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
George C. Snead, Jr., Assistant City Manager for Operations
Mike McEvoy, Director of Utilities
Jesse H. Perdue, Jr., Water Division Manager

CM02-0173

William E. Skeen

2525 Robin Hood Road, S.E., Roanoke, Virginia 24014

Cell No. (540) 520-2929, Work No. (540) 344-5151, Home No. (540) 345-4960, Fax No. (540) 343-9892

July 11, 2002

Mayor Ralph Smith and Members of Roanoke City Council
c/o Mrs. Mary Parker, City Clerk
The City of Roanoke
215 Church Street
Roanoke, Virginia 24011

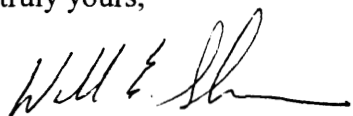
Dear Mayor Smith and Members of Roanoke City Council:

Please consider this letter as my formal resignation as a Trustee on the Roanoke City School Board effective July 24, 2002.

I have accepted a job with Wacovia Bank as a Senior Vice President, in the Community Development Division which will provide me with a great career growth opportunity. Accordingly, I will be relocating to Richmond at the end of July.

I have enjoyed my brief experience as a Trustee on the School Board and want to thank each member of the council for their confidence in appointing me to this position. Roanoke is a wonderful place to live and raise a family because of your collective support for our school system, which I believe to be one of the finest in the country. Roanoke is fortunate to have individuals dedicated to serving on the School Board, a variety of effective instruction, modern facilities and an above average administrative and teaching staff. Under the solid leadership of Dr. Wayne Harris, I am confident that Roanoke City Schools will always be one of Roanoke's shining stars.

Very truly yours,



**CITY OF ROANOKE
OFFICE OF THE CITY MANAGER**

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August 5, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice-Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

**Subject: Competitive Negotiation For
Management of City Market
Building**

Background:

The City currently leases the Market Building at 32 Market Square, to Downtown Associates, LP. This lease agreement expires December 31, 2002. Downtown Associates has officially notified the City that they will not exercise any renewal options of this lease agreement and will vacate the premises effective December 31, 2002, as will their management company, F&W Management, Corp. As a result, the City must secure a new management company to operate the facility effective January 1, 2003.

The City desires the opportunity to consider entering into a contractual agreement with a property management company to manage and operate the Market Building. Although, the sealed bid method of procurement would normally be used, it is not practicable or fiscally advantageous to the public in procuring the above services. The experience, qualifications, and references of firms that can provide the above listed services are of equal, if not greater, importance than the cost. Additional issues, other than price, include maintenance and repair, employee training, customer responsiveness, marketing and accounting procedures. Therefore, the process of competitive negotiation using the request for proposal process has been identified as the best method for procurement of these services.

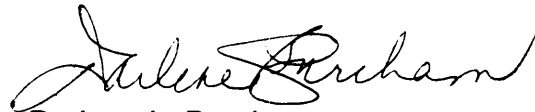
Considerations:

The Code of the City of Roanoke provides, as an alternate method of procurement to using the bid process, a process identified as "competitive negotiation." Prior approval by Council is necessary before the alternate method may be used. See City Code Section 23.1-4 (e). This method will allow for negotiations with two (2) or more providers to determine the best qualified at the most competitive price or rate.

Recommended Action:

Authorize the use of competitive negotiation as the method to secure a management company for the Market Building.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:slm

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of Department of Management and Budget
Bob Bird, Purchasing Manager
Scott L. Motley, Economic Development Specialist

CM02-00175

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION designating the procurement method known as competitive negotiation, rather than the procurement method known as competitive sealed bidding, to be used for the procurement of a property management company for the City Market Building; and documenting the basis for this determination.

WHEREAS, the City seeks to procure proposals from property management companies to manage and operate the City Market Building, which includes maintenance and repair of the facility, employee training, customer responsiveness, and marketing and accounting procedures.

WHEREAS, this Council finds that the use of the procurement method of competitive negotiation for the above mentioned services will allow for consideration of the factors of experience, qualifications, and references which are of equal, if not greater, importance than the cost.

WHEREAS, City Council is of the opinion that such services should be procured by competitive negotiation rather than competitive sealed bidding.

THEREFORE, BE IT RESOLVED by this Council of the City of Roanoke as follows:

1. Pursuant to Section 23.1-4 (e), Code of the City of Roanoke, (1979), as amended, this Council finds that the procurement method known as competitive sealed bidding is not practicable and/or is not fiscally advantageous to the public for the reasons set forth above for the procurement of a property management company to manage and operate the City Market Building.

2. City Council directs that the procurement method known as competitive negotiation shall be used for the procurement of a property management company, as more fully set forth in the City Manager's Letter to this Council dated August 5, 2002.

3. This Resolution documents the basis for City Council's determination.

ATTEST:

City Clerk

**CITY OF ROANOKE
OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
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August 5, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Competitive Negotiations for
Services

Background:

The City of Roanoke desires the opportunity to consider entering into a contractual agreement with a service provider for the delivery of Job Readiness training. This instruction would be made available for clients required to participate in the Virginia Initiative for Employment not Welfare (VIEW) and Food Stamp Employment Training (FSET) programs. The proposed training is designed to assist participants with job search efforts, as well as with obtaining and maintaining employment.

Although the sealed bid method of procurement could be used, it is not practicable or fiscally advantageous to the public in the above instance. The experience, qualifications, and references of firms that can provide the above listed service are of equal, if not greater, importance than the cost. Issues of experience, capacity and ability to achieve desired outcomes are of critical importance in determining the best possible provider of the required service. Additionally, the procurement of job readiness/employment preparation training must include a means to evaluate the quality of services to be provided in areas such as instructional/training experience, allocation of personnel and financial management. Therefore, the process of competitive negotiation using the request for proposal process has been identified as the best method for procurement of these goods and services.

Honorable Mayor and Members of Council
August 5, 2002
Page 2


Considerations:

The Code of the City of Roanoke provides, as an alternate method of procurement to using the bid process, a process identified as "competitive negotiation." Prior approval by Council is necessary before the alternate method may be used. See City Code Section 23.1-4 (e). This method will allow for negotiations with two (2) or more providers to determine the best qualified at the most competitive price or rate.

Recommended Action:

City Council authorize the use of competitive negotiation as the method to secure vendors to provide appropriate services as identified in this letter.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB: vlp

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of Management and Budget
Jeffery H. Powell, Director of General Services
Robert H. Bird, Acting Purchasing Manager
Glenn D. Radcliffe, Director of Human Services
Rolanda A. Johnson, Assistant City Manager for Community Development

#CM02-00178

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION designating the procurement method known as competitive negotiation, rather than the procurement method known as competitive sealed bidding, to be used for the procurement of services for the provision of Job Readiness instruction for eligible Department of Social Services clients and documenting the basis for this determination.

WHEREAS, the City seeks to procure proposals from vendors to provide job readiness training for clients of the Employment Services Program within the Department of Social Services; and

WHEREAS, this Council finds that the use of the procurement method of competitive negotiation for the above mentioned services will allow for consideration of the factors of experience, qualifications/capacity, record of successfully achieving desired outcomes, and references as related to the offers; and

WHEREAS, this Council finds in regard to the procurement of job readiness instruction services for the Department of Social Services Employment Services Program that the use of the procurement method of competitive negotiation will allow for the evaluation of responsive offerors to include a means to evaluate the quality of services being offered in the areas of instructional/training experience, personnel allocation and financial management; and

WHEREAS, City Council is of the opinion that such services should be procured by competitive negotiation rather than competitive sealed bidding.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. Pursuant to Section 23.1-4 (e), Code of the City of Roanoke, (1979), as amended, this Council finds that the procurement method known as competitive sealed bidding is not practicable and/or is not fiscally advantageous to the public for the reasons set forth above.
2. City Council directs that the procurement method known as competitive negotiation shall be used for the procurement of services for the provision of Job Readiness instruction for eligible Department of Social Services clients, as set forth in the City Manager's Letter to this Council dated August 5, 2002.
3. This Resolution documents the basis for City Council's determination.

ATTEST:

City Clerk.



CITY OF ROANOKE

OFFICE OF THE CITY MANAGER

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August 5, 2002

Honorable Ralph K. Smith, Mayor
 Honorable C. Nelson Harris, Vice Mayor
 Honorable William D. Bestpitch, Council Member
 Honorable William H. Carder, Council Member
 Honorable, M. Rupert Cutler, Council Member
 Honorable Alfred T. Dowe, Jr., Council Member
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Local Law Enforcement
 Block Grant 2002-2003

Background:

Congress has appropriated funds for continuation of the Local Law Enforcement Block Grant (LLEBG) for fiscal year 2002-2003. The grant is to be administered by the Bureau of Justice Assistance and the U. S. Department of Justice. The purpose of the LLEBG Program is to provide funds to units of local government to underwrite projects designed to reduce crime and improve public safety. Roanoke has been awarded \$129,407, and grant conditions require a local match amount of \$14,379, for a program totaling \$143,786. This award would renew Roanoke's LLEBG Grant Program for the seventh consecutive year.

These grant funds must be used for: (1) payment of overtime to presently employed law enforcement officers for the purpose of increasing the number of hours worked by such personnel and (2) procuring equipment, training and other materials directly related to basic law enforcement functions. Police bicycle patrol, directed at specific/problem areas or neighborhoods will be continued through this program.

The deadline for acceptance of this grant is August 25, 2002. Grant funds become available only after a public hearing and an LLEBG Program advisory

committee meeting has been conducted by the Police Department. The public hearing and LLEBG advisory committee meeting must be conducted prior to October 9, 2002.

Considerations:

The LLEBG Program requires that all grant funds (\$129,407) be placed in an interest bearing account. Based on interest earned during the past year of LLEBG funding, interest earnings of \$2,500 are anticipated for this grant. The local cash match of \$14,379 is available in the Police Department's State Asset Forfeiture account.

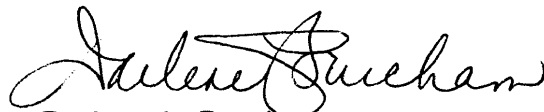
Recommended Action:

Authorize the City Manager to execute any required documentation.

Appropriate \$129,407 to grant fund accounts to be established by the Director of Finance in the following amounts:

Police Overtime	\$120,000
FICA	\$ 9,180
Expendable Equipment	\$12,000
Training and Development	<u>\$ 5,106</u>
Total	\$146, 286

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:rla

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse Hall, Director of Finance
Rolanda Johnson, Assistant City Manager
A. L. Gaskins, Chief of Police

CM02-00174

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Grant Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations:

Public Safety	\$ 2,288,462
Local Law Enforcement Block Grant FY2003 (1-4)	146,286

Revenues:

Public Safety-Special Purpose Grants	\$ 2,288,462
Local Law Enforcement Block Grant FY2003 (5-7)	146,286

1) Overtime	(035-640-3333-1003)	\$ 120,000
2) FICA	(035-640-3333-1120)	9,180
3) Expendable		
Equipment <\$5,000	(035-640-3333-2035)	12,000
4) Training and		
Development	(035-640-3333-2044)	5,106
5) Federal Grant Receipts	(035-640-3333-3335)	129,407
6) Local Match	(035-640-3333-3336)	14,379
7) Interest	(035-640-3333-3337)	2,500

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of a certain Local Law Enforcement Block Grant from the United States Department of Justice, and authorizing execution of any required documentation on behalf of the City.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City Manager is hereby authorized on behalf of the City to accept from the U.S. Department of Justice, a Local Law Enforcement Block Grant in the amount of \$129,407, with the City providing an additional \$14,379 in local match, such grant being more particularly described in the letter of the City Manager, dated August 5, 2002, upon all the terms, provisions and conditions relating to the receipt of such funds.

2. The City Manager is hereby authorized to execute, on behalf of the City, any documentation required in connection with the acceptance of such grant and to furnish such additional information as may be required by the Department of Justice.

ATTEST:

City Clerk.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
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Telephone: (540) 853-2333

Fax: (540) 853-1138

CityWeb: www.roanokegov.com

August 5, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Vice Mayor
Honorable Dr. M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Virginia Commission for the Arts –
Local Government Challenge Grant

Background:

Notification has been received from the Commonwealth of Virginia Commission for the Arts that a \$5,000 Local Government Challenge Grant has been awarded to Roanoke. Application for the grant was made at the request of the Arts Council of Roanoke Valley, Mill Mountain Theatre, Opera Roanoke, Roanoke Symphony Orchestra, and Young Audiences of Virginia.

In order to receive these funds, the Commission must obtain written confirmation that local tax revenue dollars will be used to match or exceed the amount of the grant. For Fiscal Year 2002-03, the organizations listed previously will receive local tax dollar funding through the Roanoke Arts Commission in the amounts shown below:

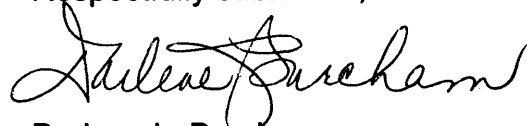
- | | |
|----------------------------------|----------|
| • Arts Council of Roanoke Valley | \$12,500 |
| • Mill Mountain Theatre | 10,500 |
| • Opera Roanoke | 6,500 |
| • Roanoke Symphony Orchestra | 21,500 |
| • Young Audiences of Virginia | 4,000 |

Mayor and Members of City Council
Virginia Commission for the Arts – Local Government Challenge Grant
Page 2

Recommended Action(s):

Adopt the attached resolution authorizing the acceptance of this grant, appropriate funds to an account to be created by the Director of Finance in the Grant Fund entitled "Challenge Grant FY 03", and establish a revenue estimate of \$5,000. The grant funds will then be distributed to the five sponsoring agencies in the amount of \$1,000 each.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:mds

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of Management & Budget

CM02-0163

THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Grant Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Parks, Recreation and Cultural	\$ 28,000
Challenge Grant FY03 (1).....	5,000

Revenues

Parks, Recreation and Cultural	\$ 28,000
Challenge Grant FY03 (2).....	5,000

1) Subsidies	(035-410-8737-3700)	\$ 5,000
2) Challenge Grant FY03	(035-410-8737-8737)	5,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

OK

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of a Local Government Challenge Grant from the Virginia Commission for the Arts.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke accepts a Local Government Challenge Grant from the Virginia Commission for the Arts in the amount of \$5,000.00 to be used for funding local organizations, as more particularly set forth in the City Manager's letter to this Council dated August 5, 2002.

2. The City Manager, or the Assistant City Manager, is hereby authorized to execute any and all requisite documents, including any documents providing for indemnification by the City as are required for the City's acceptance of this grant, upon form approved by the City Attorney, and to furnish such additional information as may be required in connection with the City's acceptance of this grant.

ATTEST:

City Clerk.

**CITY OF ROANOKE
OFFICE OF THE CITY MANAGER**

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August 5, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Grant Award for FY'03
Temporary Assistance for
Needy Families (TANF)
Hard-to-Serve Project

Background:

The Virginia Department of Social Services issued a Request for Proposal to use federal funds to provide job search, job coaching, and job retention services for hard-to-serve TANF recipients. The City of Roanoke Department of Social Services responded to this RFP with a proposal outlining its intent to work collaboratively with TAP – This Valley Works to provide the work-related services listed above. Under this proposal, eligible TANF recipients who must obtain employment, but who have not been in compliance with certain regulatory requirements, are provided customized job search assistance. Case managers work with these individuals to develop and initiate an individualized plan of action to meet compliance requirements and to assist in securing and maintaining employment.

The City of Roanoke was awarded \$207,933 in grant funding under the TANF Hard-to-Serve Project for fiscal year 2003. This includes \$31,561 carried forward from FY 02 and \$176,372 available for FY 03.

Honorable Mayor and Members of Council
August 5, 2002
Page 2


Considerations:

- Program Operations – Existing activities will continue and planned programs will be implemented.
- Funding – Funds are available from Grantor agency, at no additional cost to the City.

Recommended Action:

Authorize acceptance of the grant award, appropriate Temporary Assistance to Needy Families (TANF) Funding totaling \$207,933 and establish a revenue estimate of \$207,933 in accounts to be established by the Director of Finance.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:rji

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of Management and Budget
Glenn D. Radcliffe, Director of Human Services
Rolanda A. Johnson, Assistant City Manager for Community Development

#CM02-00177

AHS

THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Grant Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Health and Welfare	\$	3,542,543
Temporary Assistance for Needy Families (TANF) Hard-to-Serve (1).....		207,933

Revenues

Health and Welfare	\$	3,542,543
Temporary Assistance for Needy Families (TANF) Hard-to-Serve (2).....		207,933

- | | | |
|-----------------------------------|---------------------|-----------|
| 1) Fees for Professional Services | (035-630-8851-2010) | \$207,933 |
| 2) State Grant Receipts | (035-630-8851-8851) | 207,933 |

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing acceptance of a grant award under the Temporary Assistance for Needy Families (TANF) Hard-to-Serve Project from the Virginia Department of Social Services, for the purpose of providing job search, job coaching and job retention services for eligible TANF recipients who must obtain employment, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The grant award under the Temporary Assistance for Needy Families (TANF) Hard-to-Serve Project from the Virginia Department of Social Services, for the purpose of providing job search, job coaching and job retention services for hard-to-serve TANF recipients, in the amount of \$207,933.00, as set forth in the City Manager's letter to Council dated August 5, 2002, is hereby ACCEPTED.

2. The City Manager, or her designee, is hereby authorized to execute any and all requisite documents pertaining to the City's acceptance of these funds and to furnish such additional information as may be required in connection with the City's acceptance of these grant funds. All documents shall be approved by the City Attorney.

ATTEST:

City Clerk.

**CITY OF ROANOKE
OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333

Fax: (540) 853-1138

CityWeb: www.roanokegov.com

August 5, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable Rupert M. Cutler, Council Member
Honorable Alfred T. Dowe, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Acceptance of Grant to
Conduct Vulnerability
Assessment

Background:

Presidential Decision Directive 63 (PDD-63) was issued by President Clinton in 1998 and established the National Infrastructure Protection Center (NIPC). The Directive also designates the water industry as one of eight critical infrastructure sectors. Further, PDD-63 outlines a collaborative effort between public agencies and the private sector to identify and address the vulnerabilities in the nation's critical infrastructures.

In response to the attacks of September 11, 2001, the United States Environmental Protection Agency (EPA) received a supplemental appropriation from Congress to improve the safety and security of the nation's water supplies. Grant money from EPA was made available for large systems that serve populations over 100,000 such as is the case with the City of Roanoke's water system.

In December, 2001 the U.S. House of Representatives passed legislation that will require all water utilities serving over 3,300 people to complete vulnerability assessments of their potable water systems.

The schedule for completion of the assessment is December 31, 2002.

In April 2002, the Water Division applied for a \$115,000 grant from EPA to be used by the City Water Division in accordance with EPA requirements/guidelines to develop a vulnerability assessment (VA), emergency response/operating plan (EOP), security enhancement and design or a combination of these efforts. Randall Funding and Development, the grant writing firm under contract with the City, assisted in the preparation of grant application materials. This assistance is offered to the City of Roanoke for 100% of all approved costs incurred up to and not exceeding \$115,000 and the City is under no obligation to provide matching funds.

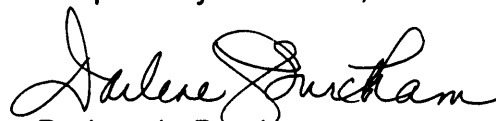
On June 17, 2002 we received notification from the Environmental Protection Agency stating that the \$115,000 grant application has been approved.

Recommended Action:

Accept the EPA grant in the amount of \$115,000 and authorize the City Manager and City Clerk to execute and attest, respectively, an agreement with the EPA and any other forms necessary and take such further action as may be necessary to accept such grant, to be approved as to form by the City Attorney.

Appropriate \$115,000 in federal funds in an account to be established by the Director of Finance in the Grant Fund.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:je

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
George C. Snead, Jr., Assistant City Manager for Operations
Mike McEvoy, Director of Utilities
Jesse H. Perdue, Jr., Water Division Manager

CM02-00182

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Grant Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Public Safety	\$ 2,257,176
Vulnerability Assessment (1)	115,000

Revenues

Public Safety	\$ 2,257,176
Vulnerability Assessment (2)	115,000

- | | | |
|-----------------------------------|---------------------|------------|
| (1) Fees for Professional Service | (035-510-5250-2010) | \$ 115,000 |
| (2) Federal Grant Receipts | (035-510-5250-5250) | 115,000 |

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of a grant from the United States Environmental Protection Agency to develop a vulnerability assessment, emergency response/operating plan, security enhancement and design, or a combination of these items for the City's water system; authorizing execution of any required documentation on behalf of the City; and authorizing the City Manager to take such further action as may be necessary to accept such grant.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City Manager is hereby authorized on behalf of the City to accept from the United States Environmental Protection Agency a grant in an amount of up to \$115,000 to develop a vulnerability assessment, emergency response/operating plan, security enhancement and design, or a combination of these items for the City's water system, such grant being more particularly described in a letter from the City Manager to Council dated August 5, 2002, upon all the terms, provisions and conditions relating to the receipt of such funds.

2. The City Manager is hereby authorized to execute, on behalf of the City, any documentation required in connection with the acceptance of such grant, in a form approved by the City Attorney, to furnish such additional information as may be required by the United State Environmental Protection Agency, and to take such further action as may be necessary to accept such grant.

ATTEST:

City Clerk.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
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August 5, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: 2002-03 Community Development
Block Grant (CDBG) Agreement
with Blue Ridge Small Business
Development Center (Center)

Background:

Since 1995, the Blue Ridge Small Business Development Center has operated the "New Century Venture Center," our region's premiere small business incubator and one of the most successful facilities of its kind in the nation. The City has long been a supporter of the Center, including providing CDBG funds to assist with the acquisition of the building and operating costs during its first three years. The Center facilitates the viability of new and expanding small businesses by offering space and shared services to reduce the financial burdens on such companies. More recently, the Center has perceived a need to assist businesses that cannot locate within the facility, but which nonetheless can benefit from the cost savings the Center makes available. The Center is establishing a new "Venture Out" program that will provide computer, communications and other services to such external companies. External companies will schedule time to use the equipment and services located within the "Venture Out" area of the Center, reducing the businesses' capital and other costs and thus promoting their viability.

On May 13, 2002, City Council authorized CDBG assistance to the Center and its Venture Out Program by Resolution No. 35848-051302, which approved submission of the City's 2002-03 Consolidated Plan Annual Update to the U.S. Department of Housing and Urban Development. City Council accepted the 2002-03 CDBG funds on June 17, 2002, by

The Honorable Mayor and Members of Council
August 5, 2002
Page 2

Budget Ordinance No. 35914-061702 and Resolution No. 35915-061702, pending receipt of the approval letter from HUD. The approval letter is completing the routine Congressional release process and is expected by mid-August.

Considerations:

In order for the Center to provide the business development activities approved in the Consolidated Plan, City Council's authorization to execute an agreement with the Center is needed. Necessary CDBG funding is available in account 035-G03-0330-5370, as shown on page 10 of the draft Agreement, which is attached to this report. A total of \$105,000 in CDBG funds is being provided to the Center for the period from July 1, 2002, to June 30, 2003.

Recommended Action:

Authorize the City Manager to execute the 2002-03 CDBG Agreement with the Center, similar in form and content to the draft attached to this report, and approved as to form by the City Attorney.

Respectfully submitted,



Darlene L. Burcham
City Manager

Attachments

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Frank E. Baratta, Budget Team Leader

CM02-00172

AGREEMENT

This Agreement is made and entered into this first day of July, 2002, by and between the following parties:

The Grantee City of Roanoke, Virginia
215 Church Avenue, S.W.
Roanoke, Virginia 24011

The Subgrantee Blue Ridge Small Business
Development Center, Inc.
1354 Eighth Street, S.W.
Roanoke, Virginia 24015

WITNESSETH:

WHEREAS, by Resolution No. 35915-061702 the Roanoke City Council approved the 2001/2002 Community Development Block Grant (CDBG) program and by Ordinance No. 35914-061702 appropriated funds therefor; and

WHEREAS, by Resolution No. ____-080502 the Roanoke City Council approved the execution of this subgrant agreement between the Grantee and the Subgrantee; and

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. SCOPE OF SERVICES:

- a. CDBG National Objective -- Funds under this Agreement shall be used by the Subgrantee pursuant to the CDBG national objective of creating jobs for low- and moderate-income persons.
- b. General -- The Subgrantee shall undertake economic development activities whose ultimate aim is the creation of new employment opportunities in the City of Roanoke, as further described below. As part of these activities, the Subgrantee shall provide staff support sufficient to ensure satisfactory performance under this Agreement. The Subgrantee will conduct outreach and marketing of its services to prospective business clients and provide such counseling as may be required to determine a client's need for and ability to benefit from available assistance.
- c. Specific Activities -- During the period of performance, defined in section 2 below, the Subgrantee shall engage in the following activities:
 - (1) "Venture Out" -- Business Affiliates Program -- Using funds provided by the Grantee under this Agreement, the Subgrantee shall implement the "Venture Out" business

affiliates program. This program will be housed in the New Century Venture Center and make available a full-service business center for small businesses that are physically unable to locate within the facility, due to such barriers as zoning or space requirements, but which are in need of assistance in order to become established or to expand or otherwise become viable enterprises. Services offered will include: computer workstations with high-speed Internet access; a state-of-the-art telephone system, with on-site receptionist and voice mail capabilities; conference and training rooms equipped for audio-visual presentations; fax, copying, mailing, shipping and secretarial services; opportunities to participate in Center-sponsored seminars and events; resource library; and other business services. Clients may participate on a monthly, daily or other use basis.

(2) On-Site Incubator Assistance -- In addition to implementing the new Venture Out program, the Subgrantee may use funds provided by the Grantee for the operating costs associated with offering its standard, on-site incubator services to business clients. These services include, but are not necessarily limited to:

(a) providing space to business tenants; and

(b) delivering services to business tenants on a shared or similar basis, which may include, but not necessarily be limited to: management or related assistance; communications and reproduction services; resource library and computer services; custodial and security services; and other typical needs of a new or developing business.

(3) The Subgrantee shall not use any CDBG funds under this Agreement to provide direct financial assistance, such as grants, loans, loan guarantees, interest supplements or other financial support as well as equipment or other items of any value whatsoever, to any private for-profit entity without the Grantee's prior written authorization.

d. Performance Expectations -- The return on the investment of public funds made by the Grantee under this Agreement shall be the creation of at least seven (7) new, full-time equivalent, permanent jobs, of which four (4) shall be filled by persons whose family income for the twelve (12) months prior to hiring was less than 80% of the area median, as promulgated by the U.S. Department of Housing and Urban Development (HUD) and in effect at the time of hiring. To count toward this performance expectation, the jobs must have been created and filled on or after the beginning date of this Agreement by a business participating in the new Venture Out program or by business tenant of the New Century Venture Center incubator. In addition, the creation of the jobs, the hiring of the persons, and the family size and family income for the hirees shall be documented to the satisfaction of the Grantee, in accordance with the records and reporting requirements described in section 14 below. In the event this performance expectation is not achieved, the Subgrantee shall be liable for repayment of any disallowed costs.

2. PERIOD OF PERFORMANCE:

This Agreement shall begin July 1, 2002, and end June 30, 2003, or upon the fulfillment of the

performance expectation described in section 1.d above, whichever is later, but in no event shall the ending date be later than June 30, 2004.

3. **BUDGET:**

The total amount of CDBG funds used for this project shall not exceed \$105,000. Specific line item amounts are provided below. With prior approval from the Department of Management and Budget, budgeted funds may be shifted among approved line items for expenses which are consistent with the Scope of Services.

Category	Operating	Venture Out	Total
Staff Salaries and Benefits	\$16,529	\$15,000	\$31,529
Contractual Services	9,802		9,802
Utilities (incl. Telephone Service)	16,280		16,280
Insurance	3,138		3,138
Maintenance Agreements	3,128		3,128
Publications	2,300		2,300
Postage (incl. UPS charges)	1,323		1,323
Computer Equipment (incl. printer)		17,500	17,500
Telephone Equipment		14,000	14,000
Internet/Intranet Access and Software		4,000	4,000
Marketing		1,500	1,500
Business Library		500	500
TOTAL	\$52,500	\$52,500	\$105,000

Where feasible and cost-effective, equipment needed to implement the new Venture Out program shall be obtained through leasing. Where purchase of equipment is required, the Subgrantee shall obtain comparative quotes or competitive bids, as appropriate, and maintain documentation that the lowest-cost, qualified vendor was selected.

4. **DISBURSEMENT PROCEDURES:**

CDBG funds provided under this Agreement may be requested by the Subgrantee monthly and only for costs incurred during the period beginning July 1, 2002, and ending June 30, 2003. Requests for disbursements shall be submitted by the 15th of the month to the Grantee's Department of Management and Budget for review and approval. Disbursements requested for staff salaries and benefits costs shall be supported by copies of payroll and time records. Disbursements for other costs shall be supported by copies of vendor invoices, receipts, bills or

similar documents. Documentation will be attached to a disbursement request cover sheet similar in form to the line item budget in section 3 above and indicating the amount being requested for the item. Subject to timely receipt of monthly reports described in section 14, disbursement of properly documented requests will normally be made by the Grantee within ten (10) work days of receipt. Final requests for disbursements must be received by the Grantee by July 31, 2002. The Grantee shall not be bound to honor requests received after this final date.

5. **NONDISCRIMINATION:**

This Agreement is subject to the requirements of Section 109 of the Housing and Community Development Act of 1974, 42 U.S.C. 3535(d), Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act. No person in the United States shall on the ground of race, color, sex, disability, religion, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds available under this title.

6. **INDEMNIFICATION:**

Subgrantee agrees and binds itself and its successors and assigns to indemnify, keep and hold the Grantee and its officers, employees, agents, volunteers and representatives free and harmless from any liability on account of any injury or damage of any type to any person or property growing out of or directly or indirectly resulting from any act or omission of Subgrantee including: (a) Subgrantee use of the streets or sidewalks of the City or other public property; (b) the performance under this Agreement; (c) the exercise of any right or privilege granted by or under this Agreement; or (d) the failure, refusal or neglect of Subgrantee to perform any duty imposed upon or assumed by Subgrantee by or under this Agreement. In the event that any suit or proceeding shall be brought against the Grantee or any of its officers, employees, agents, volunteers or representatives at law or in equity, either independently or jointly with Subgrantee on account of an alleged act of omission by the Subgrantee, in whole or in part, Subgrantee upon notice given to it by the Grantee or any of its officers, employees, agents, volunteers or representatives, will pay all costs of defending the Grantee or any of its officers, employees, agents, volunteers or representatives in any such action or other proceeding. In the event of any settlement or any final judgement being awarded against the Grantee or any of its officers, employees, agents, volunteers or representatives, as a result of an alleged act or omission by the Subgrantee, in whole or in part, either independently or jointly with Subgrantee then Subgrantee will pay such settlement or judgement in full or will comply with such decree, pay all costs and expenses of whatsoever nature and hold the Grantee or any of its officers, employees, agents, volunteers or representatives harmless therefrom.

7. **COMPLIANCE WITH FEDERAL REGULATIONS:**

The Subgrantee agrees to abide by U.S. Department of Housing and Urban Development (HUD) conditions for CDBG programs and all other applicable federal regulations relating to specific programs performed hereunder.

8. **UNIFORM ADMINISTRATIVE REQUIREMENTS:**

The Subgrantee shall comply with the requirements and standards of OMB Circular No. A-110, "Uniform Administrative Requirements . . ."; and OMB Circular No. A-122, "Cost Principles for Non-Profit Organizations.

9. **ANNUAL AUDIT:**

As an entity receiving less than \$300,000 in federal funding from the Grantee, the Subgrantee shall not be required by the Grantee to undergo an annual independent audit of the CDBG expenditures under this Agreement. Furthermore, no expenditures with respect to any such audit undertaken by the Subgrantee's own initiative shall be chargeable to the funds under this Agreement.

10. **PROGRAM INCOME:**

"Program income" means the gross income directly generated by the Subgrantee from the use of the CDBG funds provided by the Grantee under this Agreement. The Grantee shall receive a share of all such program income based upon the percentage that CDBG funds provided under this Agreement assisted the activity generating the income. Program income from any and all sources shall be remitted to the Grantee within five (5) working days of its receipt by the Subgrantee.

11. **EMPLOYMENT DISCRIMINATION PROHIBITED:**

Pursuant to §23.1-20 of the Code of the City of Roanoke (1979), as amended, this Agreement being valued at over ten thousand dollars (\$10,000.00), the Subgrantee shall be subject to the following:

a. During the performance of this Agreement, the Subgrantee agrees as follows:

- (1) The Subgrantee will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Subgrantee. The Subgrantee agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- (2) The Subgrantee, in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee, will state that such Subgrantee is an equal opportunity employer.
- (3) Notices, advertisement and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

b. The Subgrantee will include the provisions of the foregoing subparagraphs a.(1)(2),and (3) in every subagreement, subcontract or purchase order of over ten thousand dollars

(\$10,000), so that the provisions will be binding upon each subgrantee, subcontractor or vendor.

12. **DRUG-FREE WORKPLACE TO BE MAINTAINED:**

Pursuant to §23.1-20.1 of the Code of the City of Roanoke (1979), as amended, this Agreement being valued at over ten thousand dollars (\$10,000.00), the Subgrantee shall be subject to the following:

- a. During the performance of this Agreement, the Subgrantee agrees to:
 - (1) Provide a drug-free workplace for the Subgrantee's employees;
 - (2) Post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Subgrantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
 - (3) State in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee that the Subgrantee maintains a drug-free workplace; and
 - (4) Include the provisions of the foregoing clauses in every subagreement, subcontract or purchase order of over ten thousand dollars (\$10,000), so that the provisions will be binding upon each subgrantee, subcontractor or vendor.
- b. For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific Agreement, subagreement or contract awarded to the Subgrantee in accordance with this chapter, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the Agreement, subagreement or contract.

13. **FAITH-BASED ORGANIZATIONS:**

Pursuant to §2.2-4343.1 of the Code of Virginia (1950), as amended, the City of Roanoke does not discriminate against faith-based organizations.

14. **RECORDS AND REPORTS:**

- a. Records -- The Subgrantee shall maintain full and accurate records with respect to all matters covered under this Agreement. All records pertaining to this Agreement and the services performed pursuant to it, shall be retained for a period of four (4) years after the expiration date of this Agreement or its amendments. Appropriate Grantee and/or HUD personnel shall have free access to those records for the period of this Agreement and the

subsequent four-year time retention period.

- b. **Reports** -- By the 15th of each month, the Subgrantee shall submit to the Grantee's Department of Management and Budget a narrative report summarizing its activities and accomplishments under this Agreement for the most recently completed month. The report shall also include documentation of jobs created, the individuals hired for these jobs, the family size and income of the hirees and their demographic characteristics, as required by HUD*, using the sample forms attached to this Agreement, or alternatives designed by the Subgrantee and approved by the Grantee for this purpose. The Subgrantee also agrees to submit any other reports as requested by the Grantee.

- * To receive credit that low- and moderate-income persons have been hired for at least 51% of the jobs created, HUD requires that documentation for each assisted business shall include:
- (a) A copy of a written agreement containing:
 - i. A commitment by the business that at least 51% of the jobs created, on a full-time equivalent basis, will be held by low- and moderate-income persons; and
 - ii. A listing by job title of the permanent jobs to be created, identifying which are part-time, if any;
 - (b) A listing by job titles of the permanent jobs filled and which jobs were initially held by low- and moderate-income persons; and
 - (c) For each such low- and moderate-income person hired; the size and annual income of the person's family prior to the person being hired for the job.

HUD's equal employment opportunity requirements dictate that information obtained for each hiree include the person's ethnic group, and whether he or she is disabled or a single female head of household.

15. **CONFLICT OF INTEREST:**

No employee, agent, consultant, officer or appointed official of the Subgrantee, who is in a position to participate in a decision-making process or gain inside information with regard to any CDBG activity, may obtain a personal or financial interest in any contract, subcontract or agreement with respect thereto, or in the proceeds thereunder, either for themselves, their family or business associates, during their tenure or for one (1) year thereafter.

16. **SUSPENSION AND TERMINATION:**

In the event the Subgrantee materially fails to comply with any term of the Agreement, the Grantee may suspend or terminate, in whole or in part, this Agreement or take other remedial action in accordance with 24 CFR 85.43. The Agreement may be terminated for convenience in accordance with 24 CFR 85.44, which provides latitudes for the Subgrantee to initiate such actions.

Funding to be made available by the Grantee under this Agreement is contingent upon necessary appropriations by the U.S. Congress. In the event that sufficient funds are not appropriated, at the sole discretion of the Grantee, this Agreement may be terminated in whole or in part.

17. **REVERSION OF ASSETS:**

Upon expiration of this agreement, or amendments thereto, the Subgrantee shall transfer to the City any CDBG funds or program income on hand at the time of expiration, or received after such expiration, and any accounts receivable attributable to the use of CDBG funds.

18. **THIRD-PARTY CONTRACTS:**

The Grantee shall not be obligated or liable hereunder to any party other than the Subgrantee. Further, notwithstanding its designation of any third party or parties for the undertaking of all or any part of the program with respect to which assistance is being provided, the Subgrantee shall remain fully obligated under the provisions of this Agreement. Any third party shall comply with all applicable requirements of this Agreement.

19. **ANTI-LOBBYING:**

To the best of the Subgrantee's knowledge and belief, no federal appropriated funds have been paid or will be paid, by or on behalf of it, to any persons for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connections with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. If any funds other than Federal funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this agreement, the Subgrantee will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

20. **ENTIRE AGREEMENT:**

This Agreement, including all of its Exhibits, represents the entire agreement between the parties and this Agreement shall not be modified, amended, altered or changed, except by written agreement executed by the parties.

21. **GOVERNING LAW:**

This Agreement shall be governed by laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year hereinabove written:

ATTEST:

FOR THE GRANTEE:

By _____
Mary F. Parker, City Clerk

By _____
Darlene L. Burcham, City Manager

ATTEST:

FOR THE SUBGRANTEE:

By _____

By _____
Lisa C. Ison, President

APPROVED AS TO CDBG ELIGIBILITY

APPROVED AS TO FORM

Dept. Management and Budget

Assistant City Attorney

APPROVED AS TO EXECUTION

APPROPRIATION AND FUNDS REQUIRED
FOR THIS CONTRACT CERTIFIED

Assistant City Attorney

Director of Finance

Date _____

Acct. No. 035-G03-0330-5370 \$105,000

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
SPECIAL TERMS AND CONDITIONS
(Agreements \$10,000 or Over)

1. **"Section 3" Compliance -- Provision of Training, Employment and Business Opportunities:**
 - A. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 170. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
 - B. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
 - C. The Subgrantee will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
 - D. The Subgrantee will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the contractor is in violation of regulations issued by the Secretary of Housing and Urban Development 24 CFR Part 135. The Subgrantee will not subcontract with any contractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR part 135 and will not let any subcontract unless the contractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.
 - E. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued hereunder prior to

the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successor and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its Subgrantees and contractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.

2. **Equal Employment Opportunity:** Contracts subject to Executive Order 11246, as amended: Such contracts shall be subject to HUD Equal Employment Opportunity regulations at 24 CFR Part 130 applicable to HUD-assisted construction contracts.

The Subgrantee shall cause or require to be inserted in full in any non-exempt contract and subcontract for construction work, or modification thereof as defined in said regulations, which is paid for in whole or in part with assistance provided under this Agreement, the following equal opportunity clause: "During the performance of this contract, the Subgrantee agrees as follows:

- A. The Subgrantee will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Subgrantee will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Subgrantee agrees to post in conspicuous places available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
- B. The Subgrantee will, in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
- C. The Subgrantee will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the Contract Compliance Officer advising the said labor union or workers' representatives of the Subgrantee's commitment under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- D. The Subgrantee will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.
- E. The Subgrantee will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations and orders of the

Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the Department and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

- F. In the event of the Subgrantee's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations or orders, this contract may be canceled, terminated or suspended in whole or in part, and the Subgrantee may be declared ineligible for further Government contracts or Federally-assisted construction contract procedures authorized in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.
- G. The Subgrantee will include the portion of the sentence immediately preceding paragraph (A) and the provisions of paragraphs (A) through (G) in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each contractor or vendor. The Subgrantee will take such action with respect to any subcontract or purchase order as the Department may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event a Subgrantee becomes involved in or is threatened with litigation with a contractor or vendor as a result of such direction by the Department, the Subgrantee may request the United States to enter into such litigation to protect the interest of the United States."

The Subgrantee further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in Federally-assisted construction work; provided, that if the Subgrantee so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract. The Subgrantee agrees that it will assist and cooperate actively with the Department and the Secretary of Labor in obtaining the compliance of Subgrantees and contractors with the equal opportunity clause and the rules, regulations and relevant orders of the Secretary of Labor; that it will furnish the Department and the Secretary of Labor such compliance; and that it will otherwise assist the Department in the discharge of its primary responsibility for securing compliance.

The Subgrantee further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a Subgrantee debarred from, or who has not demonstrated eligibility for Government contracts and Federally-assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon Subgrantees and contractors by the Department or the Secretary of Labor pursuant to Part II, Subpart D, of the Executive Order. In addition, the Subgrantee agrees that if it fails or refuses to comply with these undertakings, the Department may take any or all of the following actions: cancel, terminate or suspend in whole or in part the grant or loan guarantee; refrain from extending any further assistance to the Subgrantee under the Program with respect to which the failure or refusal occurred until satisfactory assurance of future

compliance has been received from such Subgrantee; and refer the cause to the Department of Justice for appropriate legal proceedings.

3. **Nondiscrimination Under Title VI of the Civil Rights Act of 1964:** This Agreement is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and HUD regulations with respect thereto, including the regulations under 24 CFR Part 1. In the sale, lease or other transfer of land acquired, cleared or improved with assistance provided under this Agreement, the Subgrantee shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination upon the basis or race, color, religion, sex or national origin, in the sale, lease or rental, or in the use of occupancy of such land or any improvements erected or to be erected thereon, and providing that the Subgrantee and the United States are beneficiaries of and entitled to enforce such covenant. The Subgrantee, in undertaking its obligation in carrying out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant and will not itself so discriminate.
4. **Section 504 and Americans with Disabilities Act:**

The Subgrantee agrees to comply with any federal regulation issued pursuant to compliance with the Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act, which prohibit discrimination against the disabled in any federal assisted program.
5. **Obligations of Subgrantee with Respect to Certain Third-party Relationships:** The Subgrantee shall remain fully obligated under the provisions of the Agreement, notwithstanding its designation of any third party or parties for the undertaking of all or any part of the program with respect to which assistance is being provided under this Agreement to the Subgrantee. Any Subgrantee which is not the Applicant shall comply with all lawful requirements of the Applicant necessary to insure that the program, with respect to which assistance is being provided under this Agreement to the Subgrantee is carried out in accordance with the Applicant's Assurances and certifications, including those with respect to the assumption of environmental responsibilities of the Applicant under Section 104(h) of the Housing and Community Development Act of 1974.
6. **Interest of Certain Federal Officials:** No member of or delegate to the Congress of the United States, and no Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit to arise from the same.
7. **Prohibition Against Payments of Bonus or Commission:** The assistance provided under this Agreement shall not be used in the payment of any bonus or commission for the purpose of obtaining HUD approval of the application for such assistance, or HUD approval or applications for additional assistance, or any other approval or concurrence of HUD required under this Agreement, Title I of the Housing and Community Development Act of 1974, or HUD regulations with respect thereto; provided, however, that reasonable fees or bona fide technical, consultant, managerial or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as program costs.
8. **"Section 109":** This Agreement is subject to the requirements of Section 109 of the

Housing and Community Development Act of 1974, 42 U.S.C. 3535(d). No person in the United States shall on the ground of race, color, religion, sex or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds available under this title.

9. **Access to Records and Site of Employment:** This agreement is subject to the requirements of Executive Order 11246, Executive Order 1375, Civil Rights Act of 1964, as amended. Access shall be permitted during normal business hours to the premises for the purpose of conducting on-site compliance reviews and inspecting and copying such books, records, accounts, and other material as may be relevant to the matter under investigation and pertinent to compliance with the Order, and the rules and regulations promulgated pursuant thereto by the Subgrantee. Information obtained in this manner shall be used only in connection with the administration of the Order, the administration of the Civil Rights Act of 1964 (as amended) and in furtherance of the purpose of the Order and that Act.
10. **Legal Remedies for Contract Violation:** If the Subgrantee materially fails to comply with any term of this Agreement, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere, the City may take one or more of the following action, as appropriate in the circumstances:
 - 1) Temporarily withhold cash payments pending correction of the deficiency by the Subgrantee,
 - 2) Disallow all or part of the cost of the activity or action not in compliance,
 - 3) Wholly or partly suspend or terminate the current Agreement, or
 - 4) Take other remedies that may be legally available.

(Business and Job Creation Reports Formats)

IN THE COUNCIL FOR THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the appropriate City officials to enter into the 2002-2003 Community Development Block Grant Program Agreement with the Blue Ridge Small Business Development Center, upon certain terms and conditions.

BE IT RESOLVED by the Council of the City of Roanoke that the City Manager or Assistant City Manager, and the City Clerk, are hereby authorized to execute and attest, respectively, on behalf of the City, the 2002-2003 Community Development Block Grant Program Agreement with the Blue Ridge Small Business Development Center, approved as to form by the City Attorney, within the limits of funds and for the purposes as are more particularly set forth in the City Manager's letter dated August 5, 2002, to this Council.

ATTEST:

City Clerk.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 5, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: 2002-03 Community Development
Block Grant (CDBG) Agreement
with Roanoke Regional Chamber
of Commerce (Chamber)

Background:

Since 1998, the Chamber's Small Business Development Center has conducted a "Community Business Development Initiative" program to promote business development in the central City. On May 13, 2002, City Council authorized the Chamber's 2002-03 CDBG activities and funding by Resolution No. 35848-051302, which approved submission of the City's 2002-03 Consolidated Plan Annual Update to the U.S. Department of Housing and Urban Development. City Council accepted the 2002-03 CDBG funds on June 17, 2002, by Budget Ordinance No. 35914-061702 and Resolution No. 35915-061702, pending receipt of the approval letter from HUD. The approval letter is completing the routine Congressional release process and is expected by mid-August.

Considerations:

In order for the Chamber to provide the business development activities approved in the Consolidated Plan, City Council's authorization to execute an agreement with the Chamber is needed. Necessary CDBG funding is available in account 035-G03-0330-5021, as shown on page 10 of the draft Agreement, which is attached to this report. A total of \$105,000 in CDBG funds is being provided to the Chamber for the period from July 1, 2002, to June 30, 2003.

The Honorable Mayor and Members of Council
August 5, 2002
Page 2

Recommended Action:

Authorize the City Manager to execute the 2002-03 CDBG Agreement with the Chamber, similar in form and content to the draft attached to this report, and approved as to form by the City Attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham". The signature is fluid and cursive, with the first name "Darlene" being more prominent than the last name "Burcham".

Darlene L. Burcham
City Manager

Attachments

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Frank E. Baratta, Budget Team Leader

CM02-00170

AGREEMENT

This Agreement is made and entered into this first day of July, 2002, by and between the following parties:

The Grantee City of Roanoke, Virginia
215 Church Avenue, S.W.
Roanoke, Virginia 24011

The Subgrantee Roanoke Regional Chamber of Commerce, Inc.
212 Jefferson Street, S.E.
Roanoke, Virginia 24011

WITNESSETH:

WHEREAS, by Resolution No. 35915-061702 the Roanoke City Council approved the 2001/2002 Community Development Block Grant (CDBG) program and by Ordinance No. 35914-061702 appropriated funds therefor; and

WHEREAS, by Resolution No. ____-080502 the Roanoke City Council approved the execution of this subgrant agreement between the Grantee and the Subgrantee; and

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. **SCOPE OF SERVICES:**

The Subgrantee shall undertake an economic development program whose ultimate aim is the creation of new employment opportunities in the City of Roanoke, as further described below. As part of this program, the Subgrantee shall provide one full-time and part-time support staff sufficient to ensure satisfactory performance of all activities including, but not limited to: outreach and marketing of the program, counseling of clientele, facilitating financial assistance, and other related business services.

During the period of performance, defined in section 2 below, the Subgrantee shall attain the following performance objectives:

- a. Outreach and market program services to at least 250 prospects to promote the creation of new businesses or business expansions within targeted areas of the City of Roanoke. Targeted areas in order of priority include:

Priority 1: Census Tracts with poverty rates of 20% or more (see Attachment 2 to this Agreement);

Priority 2: Census Tracts with poverty rates less than 20%, but at least 51% low- and moderate income populations (see Attachment 3 to this Agreement);

Priority 3: Other areas of the City.

- b. Provide counseling and related services resulting in the preparation of business plans, obtaining of financing or other substantive developments for a minimum of 100 prospects considering creating new businesses or business expansions within targeted areas of the City. To count toward this performance objective, the prospect must have been provided such substantive developments during the current CDBG contract period.
- c. Development of at least 20 new jobs by businesses provided services under performance objective "b" above during the current or prior CDBG contract period. To count toward this performance objective, a job must be in one of the categories below. In addition, a job previously existing within the City or another community which is relocated to or within the City shall not be counted toward this performance objective.

Category 1: The business has newly located or expanded in, and will primarily provide services to residents of, a City Census Tract having a poverty rate of at least 20% (30% if any portion of the of the Central Business District is included in the Census Tract).

Category 2: At least 51% of the jobs by the business will be made available to or will be held by persons of low- or moderate-income. (Jobs in this category may be located within any area of the City.)

Category 3: The business is a newly-created "low-mod-owned microenterprise"; that is, a business with no more than five employees including the owner or owners, where the owner's or owners' family income does not exceed the low- and moderate-income limit. (Jobs in this category may be located within any area of the City.)

Specific documentation which must be obtained and retained by the program in order to receive credit for the creation of a given job is described in section 11 below.

2. **PERIOD OF PERFORMANCE:**

Unless amended, this Agreement shall be for the period beginning July 1, 2002, and ending June 30, 2003.

3. **BUDGET:**

The total amount of CDBG funds used for this project shall not exceed \$105,000. Specific line item amounts are provided below. With prior approval from the Department of Management and Budget, budgeted funds may be shifted among approved line items for expenses which are consistent with the Scope of Services and which do not exceed the funding limitations within the Administrative category.

The cost charged by the Subgrantee to lease the computers should be competitive. That is, the Subgrantee shall maintain documentation reflecting that the lease would not be an excessive cost compared to the cost to lease from other sources.

Category	Admin Cost	Project Cost	Total Cost
Salaries	5,760	61,920	67,680
Benefits	1,440	15,480	16,920
Mileage		1,500	1,500
Training		1,000	1,000
Leased Equipment		2,500	2,500
Telephone		2,900	2,900
General Office Supplies		3,000	3,000
Bookkeeping	3,300		3,300
Computer Software		1,200	1,200
Copying/Printing		3,000	3,000
Subscriptions/Dues			
Postage			
Marketing			
Scholarships		2,000	2,000
TOTAL	10,500	94,500	105,000

4. **PROPOSED PAYMENT SCHEDULE AND PROCEDURES:**

This is a cost reimbursement contract. Requests for payment, including time sheets for each full- and part-time staff to be compensated, will be submitted to the Grantee's Department of Management and Budget for review and approval. Funds will be disbursed monthly, as needed. Approval of each reimbursement request will be subject to CDBG eligibility and timely receipt of monthly reports detailed in Paragraph 11. All requests for disbursements with respect to costs incurred during the period of performance, set forth in part 2, must be received by the Grantee within 30 calendar days of the ending date of the Agreement. The Grantee shall not be bound to honor requests received after this 30-day period.

5. **NONDISCRIMINATION:**

This Agreement is subject to the requirements of Section 109 of the Housing and Community Development Act of 1974, 42 U.S.C. 3535(d), Section 504 of the Rehabilitation Act of 1973,

as amended, and the Americans with Disabilities Act. No person in the United States shall on the ground of race, color, sex, disability, religion, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds available under this title.

6. **INDEMNIFICATION:**

Subgrantee agrees and binds itself and its successors and assigns to indemnify, keep and hold the Grantee and its officers, employees, agents, volunteers and representatives free and harmless from any liability on account of any injury or damage of any type to any person or property growing out of or directly or indirectly resulting from any act or omission of Subgrantee including: (a) Subgrantee use of the streets or sidewalks of the City or other public property; (b) the performance under this Agreement; (c) the exercise of any right or privilege granted by or under this Agreement; or (d) the failure, refusal or neglect of Subgrantee to perform any duty imposed upon or assumed by Subgrantee by or under this Agreement. In the event that any suit or proceeding shall be brought against the Grantee or any of its officers, employees, agents, volunteers or representatives at law or in equity, either independently or jointly with Subgrantee on account of an alleged act of omission by the Subgrantee, in whole or in part, Subgrantee upon notice given to it by the Grantee or any of its officers, employees, agents, volunteers or representatives, will pay all costs of defending the Grantee or any of its officers, employees, agents, volunteers or representatives in any such action or other proceeding. In the event of any settlement or any final judgement being awarded against the Grantee or any of its officers, employees, agents, volunteers or representatives, as a result of an alleged act or omission by the Subgrantee, in whole or in part, either independently or jointly with Subgrantee then Subgrantee will pay such settlement or judgement in full or will comply with such decree, pay all costs and expenses of whatsoever nature and hold the Grantee or any of its officers, employees, agents, volunteers or representatives harmless therefrom.

7. **COMPLIANCE WITH FEDERAL REGULATIONS:**

The Subgrantee agrees to abide by U.S. Department of Housing and Urban Development (HUD) conditions for CDBG programs and all other applicable federal regulations relating to specific programs performed hereunder.

8. **UNIFORM ADMINISTRATIVE REQUIREMENTS:**

The Subgrantee shall comply with the requirements and standards of OMB Circular No. A-110, "Uniform Administrative Requirements . . ."; and OMB Circular No. A-122, "Cost Principles for Non-Profit Organizations.

9. **ANNUAL AUDIT:**

As an entity receiving less than \$300,000 in federal funding from the Grantee, the Subgrantee shall not be required by the Grantee to undergo an annual independent audit of the CDBG expenditures under this Agreement. Furthermore, no expenditures with respect to any such audit undertaken by the Subgrantee's own initiative shall be chargeable to the funds under this Agreement.

10. **PROGRAM INCOME:**

"Program income" means gross income received by the Grantee or Subgrantee directly generated from the use of CDBG funds. Program income from any and all sources shall be submitted to the Grantee within five (5) days of its receipt by the Subgrantee. No program income is expected.

11. **EMPLOYMENT DISCRIMINATION PROHIBITED:**

Pursuant to §23.1-20 of the Code of the City of Roanoke (1979), as amended, this Agreement being valued at over ten thousand dollars (\$10,000.00), the Subgrantee shall be subject to the following:

a. During the performance of this Agreement, the Subgrantee agrees as follows:

- (1) The Subgrantee will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Subgrantee. The Subgrantee agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- (2) The Subgrantee, in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee, will state that such Subgrantee is an equal opportunity employer.
- (3) Notices, advertisement and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

b. The Subgrantee will include the provisions of the foregoing subparagraphs a.(1)(2),and (3) in every subagreement, subcontract or purchase order of over ten thousand dollars (\$10,000), so that the provisions will be binding upon each subgrantee, subcontractor or vendor.

12. **DRUG-FREE WORKPLACE TO BE MAINTAINED:**

Pursuant to §23.1-20.1 of the Code of the City of Roanoke (1979), as amended, this Agreement being valued at over ten thousand dollars (\$10,000.00), the Subgrantee shall be subject to the following:

a. During the performance of this Agreement, the Subgrantee agrees to:

- (1) Provide a drug-free workplace for the Subgrantee's employees;
- (2) Post in conspicuous places, available to employees and applicants for employment, a

statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Subgrantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

(3) State in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee that the Subgrantee maintains a drug-free workplace; and

(4) Include the provisions of the foregoing clauses in every subagreement, subcontract or purchase order of over ten thousand dollars (\$10,000), so that the provisions will be binding upon each subgrantee, subcontractor or vendor.

b. For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific Agreement, subagreement or contract awarded to the Subgrantee in accordance with this chapter, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the Agreement, subagreement or contract.

13. **FAITH-BASED ORGANIZATIONS:**

Pursuant to §2.2-4343.1 of the Code of Virginia (1950), as amended, the City of Roanoke does not discriminate against faith-based organizations.

14. **RECORDS AND REPORTS:**

The Subgrantee shall maintain full and accurate records with respect to all matters covered under this Agreement. All records pertaining to this Agreement and the services performed pursuant to it, shall be retained for a period of four (4) years after the expiration date of this Agreement or its amendments. Appropriate Grantee and/or HUD personnel shall have free access to those records during the Agreement duration and the following four-year time period.

On a monthly basis, the Subgrantee shall submit to the Grantee's Department of Management and Budget reports summarizing project activities and accomplishments using the CDBG Monthly Report Formats located at Attachment 4 of this Agreement. These reports are to be received by the Grantee as part of the Subgrantee's with disbursement requests or by the 15th of the following month, whichever is earlier. In a timely manner upon completion of required documentation, the Subgrantee shall also submit Business Creation and Job Creation Reports Formats located at Attachment 5 of this Agreement. The Subgrantee agrees to submit any other reports as requested by the Grantee, including racial, ethnic and other demographic characteristics of individuals assisted by the Subgrantee, should such be required by HUD.

The following represents the documentation which the Subgrantee must obtain and retain in order to receive credit for facilitating the creation of jobs. (See also the CDBG Flowchart located at Attachment 6 of this Agreement.)

a. 20% Poverty Area - Location and Services

To receive credit for jobs as a result of a business newly locating or expanding in and primarily providing services to residents of a City Census Tract having a poverty rate of at least 20%, documentation shall include:

- (1) Verification that the address at which the business is locating or expanding is within a City Census Tract having a poverty rate of at least 20% (30% if any portion of the of the Central Business District is included in the Census Tract); and
- (2) Verification that the services to be provided by the business primarily to the residents of the Census Tract.

b. Creation/Retention of 51% Low/Mod Jobs

- (1) To receive credit that at least 51% of the jobs created **will be available to** low- and moderate-income persons, documentation for each assisted business shall include:

- (a) A copy of a written agreement containing
 - i. A commitment by the business that it will make at least 51% of the jobs available to low- and moderate- income persons and will provide training for any of those jobs requiring special skills or educations,
 - ii. A listing by job title of the permanent jobs to be created indicating which jobs will be available to low- and moderate- income persons, which jobs require special skills or education, and which jobs are part-time, if any, and
 - iii. A description of actions to be taken by the Subgrantee and business to ensure that low-and moderate- income persons receive first consideration for those jobs ; and
- (b) A listing by job title of the permanent jobs filled, which jobs of those were available to low- and moderate-income persons, and a description of how first consideration was given to such persons for those jobs. The description shall include what hiring process was used; which low- and moderate- income persons were interviewed for a particular job; and which low- and moderate- income persons were hired.

- (2) To receive credit that at least 51% of the jobs **will be held by** low- and moderate-income persons, documentation for each assisted business shall include:

- (a) A copy of a written agreement containing:
 - i. A commitment by the business that at least 51% of the jobs, on a full-time equivalent basis, will be held by low- and moderate- income persons; and
 - ii. A listing by job title of the permanent jobs to be created, identifying which are

part-time, if any;

- (b) A listing by job titles of the permanent jobs filled and which jobs were initially held by low- and moderate- income persons; and
 - (c) For each such low- and moderate- income person hired; the size and annual income of the person's family prior to the person being hired for the job.
- (3) To receive credit that the program benefitted low- and moderate- income persons based on **the retention of jobs**, documentation for each assisted business shall include:
- (a) Evidence that in the absence of CDBG assistance jobs would be lost;
 - (b) For each business assisted, a listing by job title of permanent jobs retained, indicating which of those jobs are part-time and (where it is known) which are held by low- and moderate- income persons at the time the CDBG assistance is provided. Where applicable, identification of any of the retained jobs (other than those known to be held by low- and moderate- income persons) which are projected to become available to low- and moderate- income persons through job turnover within two years of the time CDBG assistance is provided. Information upon which the job turnover projections were based shall also be included in the record;
 - (c) For each retained job claimed to be held by a low- and moderate- income persons, information on the size and annual income of the person's family;
 - (d) For jobs claimed to be available to low- and moderate- income persons based on turnover, a description covering the items required for "available to" jobs paragraph of this section; and
 - (e) Where jobs were claimed to be available to low- and moderate- income persons through turnover, a listing of each job which has turned over to date, indicating which of those jobs were either taken by, or available to, low- and moderate- income persons. For jobs made available, a description of how first consideration was given to such persons for those jobs shall also be included in the record.

c. Low-Mod-Owned Microenterprise

To receive credit for jobs as a result of a newly-created low-mod-owned microenterprise, documentation shall include:

- (1) Verification of no more than 5 employees in the enterprise, including the owner(s); and
- (2) Verification that, at the time that the CDBG assistance is being provided, the family income of the owner or owners does exceed the low-mod limit.

15. CONFLICT OF INTEREST:

No employee, agent, consultant, officer or appointed official of the Subgrantee, who is in a

position to participate in a decision-making process or gain inside information with regard to any CDBG activity, may obtain a personal or financial interest in any contract, subcontract or agreement with respect thereto, or in the proceeds thereunder, either for themselves, their family or business associates, during their tenure or for one (1) year thereafter.

16. **SUSPENSION AND TERMINATION:**

In the event the Subgrantee materially fails to comply with any term of the Agreement, the Grantee may suspend or terminate, in whole or in part, this Agreement or take other remedial action in accordance with 24 CFR 85.43. The Agreement may be terminated for convenience in accordance with 24 CFR 85.44, which provides latitudes for the Subgrantee to initiate such actions.

Funding to be made available by the Grantee under this Agreement is contingent upon necessary appropriations by the U.S. Congress. In the event that sufficient funds are not appropriated, at the sole discretion of the Grantee, this Agreement may be terminated in whole or in part.

17. **REVERSION OF ASSETS:**

Upon expiration of this agreement, or amendments thereto, the Subgrantee shall transfer to the City any CDBG funds or program income on hand at the time of expiration, or received after such expiration, and any accounts receivable attributable to the use of CDBG funds.

18. **THIRD-PARTY CONTRACTS:**

The Grantee shall not be obligated or liable hereunder to any party other than the Subgrantee. Further, notwithstanding its designation of any third party or parties for the undertaking of all or any part of the program with respect to which assistance is being provided, the Subgrantee shall remain fully obligated under the provisions of this Agreement. Any third party shall comply with all applicable requirements of this Agreement.

19. **ANTI-LOBBYING:**

To the best of the Subgrantee's knowledge and belief, no federal appropriated funds have been paid or will be paid, by or on behalf of it, to any persons for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an office or employee of Congress, or an employee of a Member of congress in connections with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. If any funds other than Federal funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this agreement, the Subgrantee will complete and submit Standard Form-LLL, "Disclosure Form to

Report Lobbying, " in accordance with its instructions.

20. **ENTIRE AGREEMENT:**

This Agreement, including all of its Exhibits, represents the entire agreement between the parties and this Agreement shall not be modified, amended, altered or changed, except by written agreement executed by the parties.

21. **GOVERNING LAW:**

This Agreement shall be governed by laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year hereinabove written:

ATTEST:

FOR THE GRANTEE:

By _____ By _____
Mary F. Parker, City Clerk City Manager/Assistant City Manager

ATTEST:

FOR THE SUBGRANTEE:

By _____ By _____
Robert Lawson, Chairman the Board Beth Doughty, President
Roanoke Regional Chamber of Commerce Roanoke Regional Chamber of Commerce

APPROVED AS TO CDBG ELIGIBILITY

APPROVED AS TO FORM

Dept. Management and Budget

Assistant City Attorney

APPROVED AS TO EXECUTION

APPROPRIATION AND FUNDS REQUIRED
FOR THIS CONTRACT CERTIFIED

Assistant City Attorney

Director of Finance

Date _____

Acct. No. 035-G03-0330-5021 \$105,000

Attachment 1 -- Other Federal Requirements

Attachment 2 -- City of Roanoke Census Tracts with 20% or Higher Poverty Rates

Attachment 3 -- City of Roanoke Census Tracts with 51% or more Low/Mod Income Populations

Attachment 4 -- CDBG Monthly Report Formats

Attachment 5 -- Business and Job Creation Reports Formats

Attachment 6 -- CDBG Flowchart

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
SPECIAL TERMS AND CONDITIONS
(Agreements \$10,000 or Over)

1. **"Section 3" Compliance -- Provision of Training, Employment and Business Opportunities:**

- A. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 170. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
- B. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- C. The Subgrantee will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- D. The Subgrantee will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the contractor is in violation of regulations issued by the Secretary of Housing and Urban Development 24 CFR Part 135. The Subgrantee will not subcontract with any contractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR part 135 and will not let any subcontract unless the contractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.
- E. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued hereunder prior to

the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successor and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its Subgrantees and contractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.

2. **Equal Employment Opportunity:** Contracts subject to Executive Order 11246, as amended: Such contracts shall be subject to HUD Equal Employment Opportunity regulations at 24 CFR Part 130 applicable to HUD-assisted construction contracts.

The Subgrantee shall cause or require to be inserted in full in any non-exempt contract and subcontract for construction work, or modification thereof as defined in said regulations, which is paid for in whole or in part with assistance provided under this Agreement, the following equal opportunity clause: "During the performance of this contract, the Subgrantee agrees as follows:

- A. The Subgrantee will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Subgrantee will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Subgrantee agrees to post in conspicuous places available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
- B. The Subgrantee will, in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
- C. The Subgrantee will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the Contract Compliance Officer advising the said labor union or workers' representatives of the Subgrantee's commitment under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- D. The Subgrantee will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.
- E. The Subgrantee will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations and orders of the

Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the Department and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

- F. In the event of the Subgrantee's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations or orders, this contract may be canceled, terminated or suspended in whole or in part, and the Subgrantee may be declared ineligible for further Government contracts or Federally-assisted construction contract procedures authorized in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.
- G. The Subgrantee will include the portion of the sentence immediately preceding paragraph (A) and the provisions of paragraphs (A) through (G) in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each contractor or vendor. The Subgrantee will take such action with respect to any subcontract or purchase order as the Department may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event a Subgrantee becomes involved in or is threatened with litigation with a contractor or vendor as a result of such direction by the Department, the Subgrantee may request the United States to enter into such litigation to protect the interest of the United States."

The Subgrantee further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in Federally-assisted construction work; provided, that if the Subgrantee so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract. The Subgrantee agrees that it will assist and cooperate actively with the Department and the Secretary of Labor in obtaining the compliance of Subgrantees and contractors with the equal opportunity clause and the rules, regulations and relevant orders of the Secretary of Labor; that it will furnish the Department and the Secretary of Labor such compliance; and that it will otherwise assist the Department in the discharge of its primary responsibility for securing compliance.

The Subgrantee further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a Subgrantee debarred from, or who has not demonstrated eligibility for Government contracts and Federally-assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon Subgrantees and contractors by the Department or the Secretary of Labor pursuant to Part II, Subpart D, of the Executive Order. In addition, the Subgrantee agrees that if it fails or refuses to comply with these undertakings, the Department may take any or all of the following actions: cancel, terminate or suspend in whole or in part the grant or loan guarantee; refrain from extending any further assistance to the Subgrantee under the Program with respect to which the failure or refusal occurred until satisfactory assurance of future

compliance has been received from such Subgrantee; and refer the cause to the Department of Justice for appropriate legal proceedings.

3. **Nondiscrimination Under Title VI of the Civil Rights Act of 1964:** This Agreement is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and HUD regulations with respect thereto, including the regulations under 24 CFR Part 1. In the sale, lease or other transfer of land acquired, cleared or improved with assistance provided under this Agreement, the Subgrantee shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination upon the basis or race, color, religion, sex or national origin, in the sale, lease or rental, or in the use of occupancy of such land or any improvements erected or to be erected thereon, and providing that the Subgrantee and the United States are beneficiaries of and entitled to enforce such covenant. The Subgrantee, in undertaking its obligation in carrying out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant and will not itself so discriminate.
4. **Section 504 and Americans with Disabilities Act:**

The Subgrantee agrees to comply with any federal regulation issued pursuant to compliance with the Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act, which prohibit discrimination against the disabled in any federal assisted program.
5. **Obligations of Subgrantee with Respect to Certain Third-party Relationships:** The Subgrantee shall remain fully obligated under the provisions of the Agreement, notwithstanding its designation of any third party or parties for the undertaking of all or any part of the program with respect to which assistance is being provided under this Agreement to the Subgrantee. Any Subgrantee which is not the Applicant shall comply with all lawful requirements of the Applicant necessary to insure that the program, with respect to which assistance is being provided under this Agreement to the Subgrantee is carried out in accordance with the Applicant's Assurances and certifications, including those with respect to the assumption of environmental responsibilities of the Applicant under Section 104(h) of the Housing and Community Development Act of 1974.
6. **Interest of Certain Federal Officials:** No member of or delegate to the Congress of the United States, and no Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit to arise from the same.
7. **Prohibition Against Payments of Bonus or Commission:** The assistance provided under this Agreement shall not be used in the payment of any bonus or commission for the purpose of obtaining HUD approval of the application for such assistance, or HUD approval or applications for additional assistance, or any other approval or concurrence of HUD required under this Agreement, Title I of the Housing and Community Development Act of 1974, or HUD regulations with respect thereto; provided, however, that reasonable fees or bona fide technical, consultant, managerial or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as program costs.
8. **"Section 109":** This Agreement is subject to the requirements of Section 109 of the

Housing and Community Development Act of 1974, 42 U.S.C. 3535(d). No person in the United States shall on the ground of race, color, religion, sex or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds available under this title.

9. **Access to Records and Site of Employment:** This agreement is subject to the requirements of Executive Order 11246, Executive Order 1375, Civil Rights Act of 1964, as amended. Access shall be permitted during normal business hours to the premises for the purpose of conducting on-site compliance reviews and inspecting and copying such books, records, accounts, and other material as may be relevant to the matter under investigation and pertinent to compliance with the Order, and the rules and regulations promulgated pursuant thereto by the Subgrantee. Information obtained in this manner shall be used only in connection with the administration of the Order, the administration of the Civil Rights Act of 1964 (as amended) and in furtherance of the purpose of the Order and that Act.
10. **Legal Remedies for Contract Violation:** If the Subgrantee materially fails to comply with any term of this Agreement, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere, the City may take one or more of the following action, as appropriate in the circumstances:
 - 1) Temporarily withhold cash payments pending correction of the deficiency by the Subgrantee,
 - 2) Disallow all or part of the cost of the activity or action not in compliance,
 - 3) Wholly or partly suspend or terminate the current Agreement, or
 - 4) Take other remedies that may be legally available.

(City of Roanoke Census Tracts with 20% or Higher Poverty Rates)

**(City of Roanoke Census Tracts
with 51% or more Low/Mod Income Populations)**

(CDBG Monthly Report Formats)

(CDBG Monthly Report Formats)

(Business and Job Creation Reports Formats)

(Business and Job Creation Reports Formats)

(CDBG Flowchart)

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

SST
7/17/02

A RESOLUTION authorizing the execution of an agreement with the Roanoke Regional Chamber of Commerce for administration of Community Development Block Grant (CDBG) funds for FY 2002-2003, for services related to the promotion and development in the central area of the City.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City Manager and the City Clerk are hereby authorized on behalf of the City to execute and attest, respectively, an agreement, and any necessary amendments thereto, if necessary, with the Roanoke Regional Chamber of Commerce for administration of Community Development Block Grant (CDBG) funds for FY 2002-2003, for services related to the promotion and development in the central area of the City, within the limits of funds as more particularly set forth in the City Manager's letter, dated August 5, 2002, to this Council.
2. The form of said agreement, and any necessary amendments thereto, shall be approved by the City Attorney.

ATTEST:

City Clerk.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 5, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Contract Award
Mill Mountain Greenway
Bid No. 02-04-19

Greenways were first proposed for the City of Roanoke by landscape architect John Nolan in the 1907 and 1928 comprehensive plans he developed for the City. Nolan realized that the beneficial aspects of greenways extended far beyond their recreational value. Since that time, the Roanoke Valley community has undertaken an extensive and ambitious greenways development plan.

The Mill Mountain/Prospect Greenway was included in the Roanoke Valley Conceptual Greenway Plan, and selected as the region's pilot greenway project in 1995 by the Roanoke Valley Greenways Committee, which is comprised of representatives of all four Roanoke Valley governments. As originally envisioned, the greenway was to connect three of the valley's most visited destinations, linking the Market area with attractions on Mill Mountain, continuing on to the Blue Ridge Parkway. Due to budget constraints and other factors, the scope of the project has been divided into phases. The present phase, named the Mill Mountain Greenway, will allow walkers, runners, and bicyclists to travel from the Market area, through Elmwood Park, across Elm Avenue and down Williamson Road, across the Walnut Avenue Bridge, to Piedmont Park, overlooking the Roanoke River. Construction will include new sidewalks, ramps, and retaining walls in Elmwood Park; medians on Williamson Road; a ramp leading from Hamilton Terrace to Piedmont Street; and a parking area at Piedmont Park, with associated amenities and associated work.

After proper advertisement, five bids were received on Wednesday, June 5, 2002, with H. & S. Construction Company, 2011 Salem Avenue, S.W., Roanoke, Virginia 24016, submitting the low bid in the amount of \$655,761.20 (which includes \$615,648.12 for the Base Bid and \$40,113.08 for the Bid Alternate Items). See attached Bid Tabulation. The construction time was specified as 180 consecutive calendar days.

Funding in the amount of \$715,761 is needed for the project. The additional funds that exceed the contract amount will be used for miscellaneous project expenses including

Honorable Mayor and Members of Council
August 5, 2002
Page 2

advertising, prints, test services, minor variations in bid quantities and unforeseen project expenses. Funding is available from the following sources:

\$ 90,000	Public Improvement Bonds Series 1999 - Parks, account number 008-052-9709-9180
25,263	Mill Mountain Greenway, account number 008-052-9721
20,000	In-kind Cash Donation (Horace G. Fralin Charitable Trust)
390,000	ISTEA Grant
190,498	Roanoke River Greenway Phase II, account number 008-530-9756
<u>\$715,761</u>	

The following organizations have contributed significantly to this project:

The Horace G. Fralin Charitable Trust contributed \$20,000. Lanford Brothers Company, Incorporated, donated labor and equipment usage for grading in Piedmont Park (valued at \$10,000). J.M. Turner & Company, Incorporated, donated labor, materials, and installation of the trellis at Piedmont Park (valued at \$10,000). Branch Highways, Incorporated, donated concrete barriers for Williamson Road (valued at \$10,000).

Recommended Action:

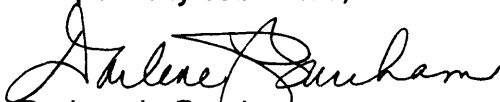
Accept the above bid and authorize the City Manager to execute a contract for the above work with H. & S. Construction Company in the amount of \$655,761.20 (which includes \$615,648.12 for the Base Bid and \$40,113.08 for the Bid Alternate Items) with 180 consecutive calendar days to construct the Mill Mountain Greenway, and reject all other bids.

Accept a gift of \$20,000 from the Horace G. Fralin Charitable Trust. The offer of this gift was made by letter dated January 24, 1996 (attached) and restated in a meeting between City staff and Mr. Heywood Fralin on April 9, 2002. Proceeds from this gift are expected to be received by the City after January 1, 2003.

Accept the gifts as stated above from Lanford Brothers Company, Inc., J. M. Turner & Company, Inc., and Branch Highways, Inc. These gifts are to be made available as construction progresses into the specific areas. These donations are not reflected in the \$715,761 budget for this project, but serve to reduce its overall cost from \$745,761.

Establish an account receivable to accept the \$20,000 donation and the \$390,000 grant and appropriate these amounts together with transfers of \$90,000 from Public Improvement Bonds Series 1999 - Parks, account number 008-052-9709-9180, and \$190,498 from account number 008-530-9756, Roanoke River Greenway Phase II, to account number 008-052-9721, Mill Mountain Greenway.

Respectfully submitted,


Darlene L. Burcham
City Manager

DLB/KDK/na

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Philip C. Schirmer, City Engineer
Robert H. Bird, Acting Purchasing Manager

#CM02-00166

TABULATION OF BIDS

**MILL MOUNTAIN GREENWAY
PROJECT NO. 6451
BID NO. 02-04-19**

Bids were opened by Robert H. Bird, Acting Manager, Purchasing Division, on Wednesday, June 5, 2002, at 2:00 p.m.

BIDDER	BASE BID	ALTERNATE	TOTAL
H. & S. Construction Company	\$615,648.12	\$40,113.08	\$655,761.20
Breakell, Inc.	\$699,155.00	\$44,810.00	\$743,965.00
Allegheny Construction Company, Inc.	\$700,516.60	\$43,605.65	\$744,122.25
Acorn Construction, Ltd.	\$739,758.71	\$30,813.35	\$770,572.06
Branch Highways, Inc.	\$794,646.65	\$52,487.45	\$847,134.10

Office of the City Engineer
Roanoke, Virginia
July 15, 2002

Horace G. Fralin Charitable Trust

Post Office Box 20069
Roanoke, Virginia 24018

January 24, 1996

John Marlies
Department of Planning
and Community Development
Municipal Building - Room 162
215 Church Avenue, S. W.
Roanoke, Virginia 24011

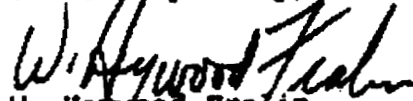
Dear John:

Pursuant to our conversation, this is to advise that the Horace G. Fralin Charitable Trust will pledge to the appropriate tax-exempt organization up to \$20,000 for the Greenway project in the Roanoke City Area.

The funds are to be used for the private match required by the City of Roanoke and required in the application you are submitting for the project. It will be funded only to the extent that you are unable to acquire these funds from other private sources.

Thank you for taking the time to explain the project in greater detail. The Charitable Trust looks forward to providing help with the funding of this worthwhile endeavor.

Yours very truly,


W. Heywood Fralin
Trustee

WHF:mjs

April 10, 2002

Mr. Ralph D. Shivers
Branch Highways, Inc.
P.O. Box 40004
Roanoke, Virginia 24022

RE: Mill Mountain Greenway

Dear Mr. Shivers:

Thank you for taking the time to meet with me today. I wanted to express my appreciation to you and Branch Highways for your donation and willingness to work with the City on this project. Though it has been an exceptionally long time in the planning phase, I do believe this greenway will be a great benefit to City residents and visitors.

To recap our discussion, Branch has agreed to donate, deliver and place 564 linear feet of traffic barrier on the Williamson Road portion of the project. This will not include anchoring, reflectors, or attenuators. The work is to be done at a time of year acceptable to Branch's schedule, and will be coordinated by the City's contractor.

Again, on behalf of the City of Roanoke, let me express appreciation for this generous donation. If you should have any questions, please feel free to call me at 853-1101.

Sincerely,

Karl D. Kleinhenz, ASLA
Project Manager

KDK/bls

c: Project File

April 10, 2002

Mr. W. Heywood Fralin
Horace G. Fralin Charitable Trust
P.O. Box 20069
Roanoke, Virginia 24018

RE: Mill Mountain Greenway

Dear Mr. Fralin:

Thank you for taking the time to meet with me yesterday. I wanted to express my appreciation to you and your willingness to work with the City on this project. Though it has been exceptionally long in the planning phase, I do believe the greenway will be a great benefit to City residents and visitors.

To recap our discussion, you have agreed to donate \$20,000 in cash toward the greenway project. The funds will be provided to the City at the beginning of the 2003 calendar year.

Also, as we discussed, I have sent a memorandum to Darlene Burcham, City Manager, outlining your concerns and relaying your request for her to contact you.

Again, on behalf of the City of Roanoke, let me express appreciation for this generous donation. If you should have any questions, please feel free to call me at 853-1101.

Sincerely,

Karl D. Kleinhenz, ASLA
Project Manager

KDK/bls

c: Project File

June 6, 2002

Mr. Douglas Childress
J.M. Turner & Company, Inc.
P.O. Box 2140
Roanoke, Virginia 24009

RE: Mill Mountain Greenway

Dear Doug:

I am writing to inform you that construction bids were accepted and opened on June 5th. H&S Construction Company was the apparent low bidder for the project and will be awarded the contract. Notice to proceed will be given after City Council review and approval in July. The construction phase is scheduled to last 6 months.

To recap our verbal understanding, J.M. Turner has agreed to donate materials, construction, and installation for the trellis in Piedmont Park. The contractor will supply the materials and installation for the concrete pad beneath the trellis. Construction stakeout, if needed, will also be provided by the contractor.

Let me again express the City of Roanoke's appreciation for your kind donation to this project. If you should have any questions, please feel free to call me at 853-1101.

Sincerely,

Karl D. Kleinhenz, ASLA
Project Manager

KDK:na

c: William Gee, H&S Construction
Project File

June 6, 2002

Mr. Mike Loveman
Lanford Brothers Company
P.O. Box 7330
Roanoke, Virginia 24019

RE: Mill Mountain Greenway

Dear Mike:

I am writing to inform you that construction bids were accepted and opened on June 5th. H&S Construction Company was the apparent low bidder for the project and will be awarded the contract. Notice to proceed will be given after City Council review and approval in July. The construction phase is scheduled to last 6 months.

To recap our verbal understanding, Lanford Brothers has agreed to donate equipment and labor for the grading and preparation of the Piedmont Park parking area and the Hamilton Terrace switchback ramp. This is to include grading and compaction of the base stone. All materials, construction stakeout, and paving are to be provided by the contractor. The contractor will also provide tree and shrub removal necessary for grading.

Mike, when we talked at the site last month, I told you that the switchback ramp would be concrete. However, in reviewing the drawings, I found that asphalt was spec'd. Personally, I would prefer concrete for aesthetic reasons, but to change it would be too complicated. So it will remain asphalt as planned. The contractor will provide paving.

Let me again express the City of Roanoke's appreciation for your kind donation to this project. If you should have any questions, please feel free to call me at 853-1101.

Sincerely,

Karl D. Kleinhenz, ASLA
Project Manager

KDK:na

c: William Gee, H&S Construction
Project File

AHS

THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Capital Projects Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Recreation	\$	27,378,541
Mill Mountain Greenway (1-4).....		850,498
Roanoke River Greenway Phase 2 (5)		9,502
Capital Improvement Reserve	\$	15,596,139
Public Improvement Bonds – Series 1999 (6)		2,284,917

Revenues

Intergovernmental	\$	3,040,556
Mill Mountain Greenway ISTE A (7).....		390,000
Outside Third Parties	\$	768,600
Mill Mountain Greenway Fralin Trust Donation (8).....		20,000

- 1) Appropriated from
 Series 1999
 Bond Issue (008-052-9721-9001) \$ 90,000
- 2) Appropriated from
 General Revenue (008-052-9721-9003) 190,498
- 3) Appropriated from
 Third Party (008-052-9721-9004) 20,000
- 4) Appropriated from
 State Grant Funds (008-052-9721-9007) 390,000
- 5) Appropriated from
 General Revenue (008-530-9756-9003) (190,498)
- 6) Parks (008-052-9709-9180) (90,000)
- 7) Mill Mountain
 Greenway ISTE A (008-052-9721-1371) 390,000
- 8) Mill Mountain
 Greenway Fralin
 Trust Donation (008-052-9721-1372) 20,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading
of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE accepting the bid of H. & S. Construction Company for the construction of a greenway connecting Elmwood Park and Piedmont Park, by way of Williamson Road, Walnut Avenue Bridge, and Riverview Boulevard, upon certain terms and conditions, and awarding a contract therefore; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and dispensing with the second reading of this ordinance by title.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The bid of H. & S. Construction Company in the amount of \$655,761.20 for the construction of a greenway connecting Elmwood Park and Piedmont Park, by way of Williamson Road, Walnut Avenue Bridge, and Riverview Boulevard, as is more particularly set forth in the City Manager's letter dated August 5, 2002, to this Council, such bid being in full compliance with the City's plans and specifications made therefore and as provided in the contract documents offered the bidder, which bid is on file in the Purchasing Division, be and is hereby ACCEPTED.

2. The City Manager and the City Clerk are hereby authorized, on behalf of the City, to execute and attest, respectively; the requisite contract with the successful bidder, based on its proposal made therefore and the City's specifications made therefore, the contract to be in such form as is approved by the City Attorney, and the cost of the work to be paid for out of funds heretofore or simultaneously appropriated by Council.

3. Any and all other bids made to the City for the above work are hereby REJECTED, and

the City Clerk is directed to notify each such bidder and to express to each the City's appreciation for such bid.

4. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

SST
7/18/02

IIN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION accepting a donation of funds to be used for the construction of the Mill Mountain Greenway; a donation of the delivery and placement of 564 linear feet of traffic barrier on the Williamson Road portion of the project; a donation of the materials for, and the construction and installation of, a trellis, and a concrete pad beneath the trellis, in Piedmont Park; and a donation of equipment and labor for the grading and preparation of the Piedmont Park parking area and the Hamilton Terrace switchback ramp; and expressing appreciation for each donation.

WHEREAS, the Horace G. Fralin Charitable Trust has pledged a donation of \$20,000.00, to the City for the construction of the Mill Mountain Greenway, such donation to be received by the City after January 1, 2003;

WHEREAS, Branch Highways, Inc., has agreed to donate, deliver and place 564 linear feet of traffic barrier on the Williamson Road portion of the Mill Mountain Greenway;

WHEREAS, J. M. Turner & Company, Inc., has agreed to donate materials for, and the construction and installation of, a trellis, and a concrete pad beneath the trellis, in Piedmont Park; and

WHEREAS, Lanford Brothers Company has agreed to donate equipment and labor for the grading and preparation of the Piedmont Park parking area and the Hamilton Terrace switchback ramp.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. This Council hereby accepts a donation of \$20,000.00 to the City for the Mill Mountain Greenway from the Horace G. Fralin Charitable Trust, such donation to be received by the City after January 1, 2003, a donation of Branch Highways, Inc., to deliver and place 564 linear feet of traffic barrier on the Williamson Road portion of the Mill Mountain Greenway, a donation of J. M. Turner & Company, Inc., of the materials for, and the construction and installation of, a trellis, and a concrete pad beneath the trellis, in Piedmont Park, and a donation of equipment and labor for the grading and preparation of the Piedmont Park parking area and the Hamilton Terrace switchback ramp from Lanford Brothers Company.

2. This Council wishes to express its appreciation and that of the citizens of the City of Roanoke to the Horace G. Fralin Charitable Trust, Branch Highways, Inc., J. M. Turner & Company, Inc., and Lanford Brothers Company for their generous donations to the City for the Mill Mountain Greenway.

3. The City Clerk is directed to transmit a copy of this resolution to Mr. W. Heywood Fralin for the Horace G. Fralin Charitable Trust, Mr. Ralph D. Shivers, for Branch Highways, Inc., Mr. Douglas Childress, for J. M. Turner & Company, Inc., and Mr. Mike Loveman, for Lanford Brothers Company, expressing to each the City's appreciation for their donation.

ATTEST:

City Clerk.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 5, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Appropriate Capital Fund
 Interest Earnings for the
 YMCA Aquatic Center and
 Roanoke River Greenway
 Projects

Background:

On June 18, 2001, City Council adopted the 2002-2006 Capital Improvement Program (CIP). The approved CIP included funds for the YMCA Aquatic Center and Roanoke River Greenway projects.

Beginning fiscal year 2002, the City committed to a \$2.0 million investment, to be paid in \$200,000 increments over a 10-year period to the YMCA Aquatic Center. Funds cover costs associated with the design and construction of a new central branch YMCA complex. City residents will receive a discounted membership rate, which will allow them to visit any YMCA facility including the facility planned in the City of Salem.

Beginning in fiscal year 2002, the City also committed to contributing \$200,000 per year for 10 years for a total of \$2.0 million to the Roanoke River Greenways project. Funds for the Roanoke River Greenway project cover costs associated with the construction of a greenway, which will run along the Roanoke River. Greenways have become a necessary commodity for communities across the United States since they are viewed as an essential amenity that encourages economic development. They connect people to various aspects of a community such as the parks, shops, schools and neighborhoods. Numerous greenways have been proposed, with a majority of them connecting to the proposed Roanoke River Greenway.

Honorable Mayor and Members of Council
August 5, 2002
Page 2

Consideration:

City Council approved an update to the CIP for fiscal years 2003-2007 on May 13, 2002, and an appropriation of \$200,000 for each project in capital fund interest is required in order to meet our obligation for FY 2003.

Recommendation:

Appropriate \$400,000 in capital fund interest earnings into the following Capital Projects:

<input type="checkbox"/> YMCA Aquatic Center	\$	200,000
<input type="checkbox"/> Roanoke River Greenway		200,000
TOTAL	\$	400,000

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:vst

c: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk
Barry L. Key, Director of Management and Budget

CM02-00165

AHS

THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Capital Projects Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Community Development	\$ 6,216,143
YMCA Aquatic Center (1)	400,000
Parks, Recreation and Cultural	\$ 27,087,541
Roanoke River Greenway Phase II (2)	400,000

Fund Balance

Reserved Fund Balance - Unappropriated	
Capital Fund Interest Earnings (3)	\$ 1,105,311
1) Appropriated from	
General Revenue (008-530-9757-9003)	\$ 200,000
2) Appropriated from	
General Revenue (008-530-9756-9003)	200,000
3) Reserved Fund	
Balance - Capital	
Fund Interest Earnings (008-3325)	(400,000)

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

**CITY OF ROANOKE
OFFICE OF THE CITY MANAGER**

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August 5, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Appropriation of Regional Disability
 Services Board Grant Funding

Background:

The Fifth District Disability Services Board (DSB) is responsible to local governments and serves as a critical resource for needs assessment, information sharing and service opportunities for citizens with disabilities, their families and the community. The following jurisdictions in the Fifth Planning District have enacted resolutions establishing their participation in a regional effort and have appointed a local official to serve as a representative: the cities of Roanoke, Salem, Covington, Clifton Forge; counties of Roanoke, Craig, Botetourt, and Allegheny and the Town of Vinton. Other members of the DSB include representatives from business and consumers.

City Council authorized the Director of Finance to serve as fiscal agent for the Fifth Planning District Disabilities Services Board on September 25, 1995, Resolution No. 32675-092595.

The State Department of Rehabilitative Services, through its Rehabilitative Services Incentive Fund (RSIF) Program, has allocated funds in the amount of \$80,346 over the next three years to the Fifth District DSB for the following projects:

Honorable Mayor and Members of Council
August 5, 2002
Page 2

- Heartland Rehabilitative Services – Community-based creative movement dance classes to special needs children in cooperation with the Roanoke Ballet.
- Family Service of the Roanoke Valley – Home-based personal care services for individuals with physical and sensory disabilities.
- Adult Care Center of the Roanoke Valley – Day and weekend therapeutic and recreational services to persons with disabilities.

Over the next three years, the \$80,346 RSIF allocation and a \$30,440 local agency match has been apportioned as follows: \$53,133 for the first year, \$47,633 for the second year and \$10,020 for the third year for the Adult Care Center, Family Services of Roanoke Valley, and Heartland Rehabilitation. No local government match is required.

Recommended Action(s):

City Council appropriate \$80,346 to grant fund accounts to be established by the Director of Finance and create a corresponding revenue estimate from the State Department of Rehabilitative Services to provide funding for the Fifth District DSB.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:tem

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of Management and Budget
Glenn D. Radcliffe, Director, Human Services
Robert L. Henderson, Acting Human Services Coordinator
Rolanda A. Johnson, Assistant City Manager for Community Development

#CM02-00176

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Grant Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations:

Health and Welfare	\$ 3,414,956
Fifth District Disability-Adult Care FY03 (1).....	5,000
Fifth District Disability-Family Services FY03 (2)	32,663
Fifth District Disability-Heartland Rehab FY03 (3)	5,010
Fifth District Disability-Family Services FY04 (4)	32,663
Fifth District Disability-Heartland Rehab FY04 (5)	3,340
Fifth District Disability-Heartland Rehab FY05 (6)	1,670

Revenues:

Health and Welfare	\$ 3,414,956
Fifth District Disability FY03 (7-9)	42,673
Fifth District Disability FY04 (10-11)	36,003
Fifth District Disability FY05 (12).....	1,670

1) Fees for Professional Services	(035-630-5270-2010)	\$ 5,000
2) Fees for Professional Services	(035-630-5271-2010)	32,663
3) Fees for Professional Services	(035-630-5272-2010)	5,010
4) Fees for Professional Services	(035-630-5273-2010)	32,663
5) Fees for Professional Services	(035-630-5274-2010)	3,340
6) Fees for Professional Services	(035-630-5275-2010)	1,670
7) State Grant Receipts- Adult Care Center FY03	(035-630-5270-5270)	5,000
8) State Grant Receipts- Family Services FY03	(035-630-5271-5271)	32,663

9) State Grant Receipts- Heartland Rehab FY03	(035-630-5272-5272)	\$ 5,010
10) State Grant Receipts- Family Services FY04	(035-630-5273-5273)	32,663
11) State Grant Receipts- Heartland Rehab FY04	(035-630-5274-5274)	3,340
12) State Grant Receipts- Heartland Rehab FY05	(035-630-5275-5275)	1,670

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

**CITY OF ROANOKE
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August 5, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice-Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Endorsement of Regional
 Economic Strategy

Background:

The development of a regional economic strategy was undertaken by the Fifth Planning District Regional Alliance over a year ago. Eva Klein & Associates, Ltd. and the Center for Regional Economic Competitiveness assisted the Alliance in the planning process. Over 150 individuals/groups involved with local government, economic development, business, education, tourism, and human resources were interviewed as part of this effort. On July 11, 2002, the Board of Directors of the Alliance adopted the strategy to serve as a roadmap for improving the region's economic competitiveness.

Considerations:

The Strategy includes a number of strategies, goals and tactics developed within a framework of six critical and interrelated strategic themes:

- Visibility
- Connectivity
- Quality of Life Amenities
- Knowledge Work Force
- Innovation & Entrepreneurship
- Economic Transformation

A copy of a brochure summarizing the Strategy has been mailed by the Alliance to each member of City Council. The Strategy can be viewed in its entirety at the Alliance internet web site – <http://www.rvarc.org/alliance>.

To move the Strategy forward, the Alliance has requested that Council formally endorse the Strategy by adopting the attached resolution.

Recommended Action:

City Council adopt the attached resolution endorsing the Fifth Planning District Regional Alliance's Regional Economic Strategy.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene Burcham", written in a cursive style.

Darlene L. Burcham
City Manager

DLB:blk

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance

CM02-00180

P.T.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION endorsing a Regional Economic Strategy developed by the Fifth Planning District Regional Alliance.

WHEREAS, in our current global economy the “region” is the foundation of economic competitiveness and prosperity and therefore communities must work cooperatively to enhance a region’s wealth; and

WHEREAS, previous studies of Western Virginia have shown that our regional economy is not in a “crisis” but is experiencing a gradual decline that will make the region less economically competitive in the future; and

WHEREAS, the Fifth Planning District Regional Alliance has prepared a Regional Economic Strategy to serve as a “road map” to guide communities in how best to take advantage of existing strengths and opportunities and to identify new opportunities as the region continues its transition into the “New Economy”; and

WHEREAS, all jurisdictions in the region have been invited to collaborate, recognizing that many of the initiatives will require broad participation to share resources, assets, leadership, and increase the scale, to maximize the impact on the region; and

WHEREAS, the implementation of the plan will be undertaken through a collaborative effort between public and private organizations to address specific tactics presented in the Strategy.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council hereby endorses the themes and tactics presented in the Fifth Planning District Regional Alliance's Regional Economic Strategy as a means of enhancing the region's economic competitiveness and future prosperity.
2. The City Clerk is directed to send a copy of this Resolution to the Fifth Planning District Regional Alliance.

ATTEST:

City Clerk.

CITY OF ROANOKE
DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

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JESSE A. HALL

Director of Finance

email: jesse_hall@ci.roanoke.va.us

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

August 5, 2002

The Honorable Ralph K. Smith, Mayor
The Honorable C. Nelson Harris, Vice Mayor
The Honorable William D. Bestpitch, Council Member
The Honorable William H. Carder, Council Member
The Honorable M. Rupert Cutler, Council Member
The Honorable Alfred T. Dowe, Jr., Council Member
The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

A year of unique challenges for both local governments and our country as a whole, fiscal year 2002 has come to a close. The year has ended on a fairly positive note from a financial standpoint, despite a sluggish economy and a volatile and declining stock market.

Less than one quarter into our fiscal year, America experienced the greatest tragedy of its time during the events of September 11th and the anthrax incidents that followed shortly thereafter. In Roanoke, we saw this immediately transform an already weakened economy into one that was indeed in a decline. Local taxes, such as our sales tax, transient room tax, and prepared food and beverage tax, are sensitive to economic trends, and all of these declined in performance as our citizenry reacted to the events of the fall. Fortunately, as we ended the year on June 30th, many of the local taxes which had declined had improved greatly compared to their performance mid-year. A discussion of the performance of these taxes will follow in this financial report.

The economic challenges experienced by the City were worsened as a result of the State's economic challenges. Heavily dependent on the performance of income tax, the State's fiscal condition was strained by the decline in the stock market and failing businesses. The Commonwealth also struggled to balance its budget given the requirements of continuing to fund car tax relief at the level achieved in the prior year. The City experienced declines in certain state revenues, such as 599 Law Enforcement, directly as a result of difficult budgetary conditions at the state level.

Among Roanoke's strengths was a thriving real estate market that continued to produce growth of more than five percent in the past year. Unemployment rates continued to remain low, and low interest rates provided favorable conditions in early 2002 when the City issued its largest General Obligation Bond issue in its history, the \$56,245,000 Series 2002 issue. This bond issue will lead Roanoke to growth and development in a variety of projects. These include funding of our new stadium and amphitheater project, Civic Center improvements, construction of a new Roanoke Academy for Math and Science, the Roanoke River flood remediation project, Crystal Spring water filtration plant, neighborhood curb and gutter construction, Gainsboro parking garage, and phase I of the South Jefferson redevelopment project.

The City of Roanoke has worked hard in the past year to implement a number of new or improved programs aimed at increasing quality service to our citizens and improving neighborhoods. Talks are presently underway to develop a regional strategy to provide for valley water needs. Work is also underway to implement a storm water management plan as required by federal law. Approval of the Fire/EMS Strategic Plan during the past fiscal year will result in the development of three new stations to better serve our citizens and to foster regional cooperation in providing services. Phase II construction of the Civic Center is planned for the near future, and revenue enhancements were developed as part of the FY03 budget to address funding needs for this project. The City is committed to providing broad based opportunities for its citizens while also working to bring new businesses and growth to our community.

The **unaudited** financial statements are provided to you for planning purposes. While we are confident the amounts provided herein are materially correct, minor changes may occur during the course of our annual external audit.

A discussion of the City's General Fund and School Fund operations for fiscal year 2002 follows.

GENERAL FUND

Our revenue estimate from all sources was \$191,951,104, while actual collections totaled \$192,887,970. Total General Fund revenues collected increased 3.35% and exceeded the estimate by .49%.

The revenue sources with the largest variance from budget estimates are outlined in the following schedule:

<u>Source</u>	<u>Budget</u>	<u>Actual</u>	<u>Amount Over (Under) Revised Estimate</u>	<u>% Over (Under) Estimate</u>
Real Estate Taxes	\$48,307,500	\$49,340,522	\$1,033,022	2.1%
Personal Property Tax	24,361,366	23,449,639	(911,727)	(3.7%)
Sales Tax	17,607,676	17,508,518	(99,158)	(.6%)
Utility Taxes	11,975,100	13,097,405	1,122,305	9.4%
Business and Professional License Tax	11,095,000	11,335,202	240,202	2.2%
Public Service Tax	3,585,000	3,930,825	345,825	9.6%
Penalties and Interest	850,000	1,086,749	236,749	27.9%
Law Enforcement HB599 Funding	4,455,741	4,068,066	(387,675)	(8.7%)
Social Services Funding from the Commonwealth	20,454,646	19,087,509	(1,367,137)	(6.7%)
Jail Block Grant	1,411,556	2,008,301	596,745	42.3%
All Other Revenue	47,847,519	47,975,234	127,715	.3%
Total General Fund Revenues	<u>\$191,951,104</u>	<u>\$192,887,970</u>	<u>\$ 936,866</u>	<u>.5%</u>

Listed below is a five-year history of our General Fund revenue estimates compared to actual revenues.

Fiscal Year	Revenue Estimate	Actual Collections	Percent of Estimate Collected
2002	\$191,951,104	\$192,887,970	100.49%
2001	183,974,493	186,641,942	101.45%
2000	177,178,184	181,337,826	102.35%
1999	170,012,900	172,462,548	101.44%
1998	162,083,043	162,793,039	100.44%

GENERAL FUND STATEMENT OF REVENUES

A summary of unaudited revenues by category and the variances between actual collections and the budgetary estimates may be found on page 22. The following narrative discusses significant revenue trends for the year.

General Property Taxes

This category includes taxes on real estate, personal property and public service corporations, as well as penalties and interest. Estimated revenues for this category were \$69,113,324 while actual collections were \$70,101,766, achieving 101.43% of the budget. Real estate taxes increased by \$2,487,322 since FY01, providing growth of 5.31%. Reassessments and a strong housing market caused this growth. Penalties and interest increased \$63,475 from FY01, well in excess of the budgeted level. Total personal property taxes, including the state share, decreased 1% over the same period for the prior year and fell almost 4% below the budget estimate. The portion of personal property tax funded by the Commonwealth of Virginia is recorded in the Grants-in-Aid Commonwealth category. Public service corporation taxes, which were based on assessments provided by the State Corporation Commission, declined \$212,658 or 5.13% from the prior year.

Other Local Taxes

This category includes sales tax, utility tax, cigarette tax, business, professional, and occupational license tax, transient room tax, franchise tax, prepared food and beverage tax, and other miscellaneous local taxes. This category of taxes serves as one of the best indicators of the strength of the local economy. The total estimate for this category was \$58,016,878, while actual collections were \$59,696,343. Collections exceeded the budget by 2.89%, providing growth of 1.76% since FY01.

Sales tax, a revenue which has underperformed FY01 almost all year, improved significantly by the end of the year, with year-to-date revenues less than 1% below those of FY01. Utility tax grew 3.67% or \$463,472 over FY01. Telephone utility tax was up compared to the prior year, and cellular phone tax increased approximately \$700,000 due to escalating cell phone usage and a payment in excess of \$400,000 collected as a result of a settle up for under reporting of a cellular phone company. Mild weather contributed to a decline in gas utility tax, which partially offsets the increases in other utility taxes. Cigarette and transient room tax rate increases generated additional revenues. The increased cigarette tax revenue was dedicated to debt service for the series 2002 bonds. The increased transient room tax revenues were used to fund an additional contribution to the Roanoke Valley Convention and Visitors Bureau. Admissions tax increased 12.55% due to rising ticket sales at the Valley View Grande Theatre and higher remittances from

local night clubs. Business and professional occupational license tax declined since FY01 when the City benefited from both the business license tax and the consumption tax on utility companies. Bank stock taxes, which are based on net capital of banks within the boundaries of the City, were down \$538,726 or 34.64% from the prior year.

Permits, Fees and Licenses

This revenue category includes dog licenses, building related fees, various inspection fees and street opening permits. Revenues for this category totaled \$1,076,603 increasing \$236,083 from FY01, and exceeding the budget of \$957,150 by 12.48%. The increase is due to higher than budgeted revenues from building, electrical and heating inspection fees. Increases in rates charged for building, electrical and plumbing inspections as well as the establishment of new construction-related fees contributed to the performance of this category.

Fines and Forfeitures

This category consists of parking tickets and fines collected by various courts. Revenue in this category was \$1,103,113, an increase of \$284,131 from the prior year. General District Court fines are up 18% due to an increase in caseload. Revenues from parking tickets rose over 70% as compared to the prior year. Civilianizing of the ticketing function combined with an increase in parking fines has led to an increase in parking ticket revenues.

Revenue from Use of Money and Property

This revenue category consists of interest earnings and various property rentals. Revenue in this category is \$1,100,101, up 5.33% since the prior year. Billings to the State for use of the Commonwealth Building increased approximately 14% from the prior year. The category achieved 98.37% of budget.

Grants-In-Aid Commonwealth

This category is comprised of non-categorical aid (state share of personal property tax, recordation tax, ABC, wine, rolling stock and rental car tax), shared expenses for Constitutional Offices, Social Services funding (foster care, day care, welfare payments, employment services, and the Comprehensive Services Act Programs), and other categorical aid (street maintenance, City Jail Block Grant, Law Enforcement and Library Grant). Revenues in this category totaled \$53,264,662, exceeding the FY01 total by \$1,804,769 or 3.51%. Reimbursement received under the Comprehensive Services Act has increased over 16%, as have the corresponding expenditures. In FY02, the number of Special Education referrals for private day placements increased approximately 20%. Additionally, the number of children served in foster care rose 20% from the previous year, causing foster care expenditures and corresponding reimbursements to increase. Increases in street maintenance and jail block grant revenues are partially offset by a decline in funds received under HB599 for law enforcement. Revenue from the state to operate

the E911 wireless system to accommodate cellular phone emergency calls is new this year, as is the corresponding cost center in the Public Safety expenditure category.

Grants-in-Aid Federal Government

This category consists of funding from the Federal Emergency Management Association (FEMA). Revenue in this category was \$34,358 compared to \$34,359 for FY01.

Charges for Services

This category includes court fees, refuse collection, weed cutting, emergency medical service, police fees, fire safety fees, and central service charges. Collections totaled \$3,780,853, which reflects an increase of 8.53% from FY01. Central services charges, which are charges to other funds for services provided by various General Fund departments based on the annual cost allocation plan, rose from the prior year as did court related charges. These increases are partially offset by a decline in police fees.

Miscellaneous Revenue

Revenues included in this category are payments in lieu of taxes from Roanoke Redevelopment and Housing Authority, sales of surplus property, and other miscellaneous revenues. Revenue in this category was \$481,068, an increase of 62.94% from FY01. This growth is the result of the transfer of \$209,835 to the General Fund from the Transportation Fund and an increase in miscellaneous revenue. The Transportation Fund provided funding to the General Fund in FY02 to partially fund the subsidy to the Greater Roanoke Transit Company (GRTC). In prior years, that subsidy was paid through the Transportation Fund. Increases are partially offset by a decline in the payment in lieu of taxes received from Roanoke Redevelopment and Housing Authority and a decrease in proceeds from the sale of surplus property.

Internal Services

This category represents payments from Proprietary and Agency Funds for services provided by the General Fund departments. Services provided include fire safety for the Roanoke Regional Airport, billings and collections services for the Water and Sewage Treatment Funds, engineering services and various other public works services. The category totaled \$2,249,103, achieving 96.50% of the budget and exceeding last year's revenue by \$23,863. Fire safety billings and billings by the Office of Billings and Collections to the Water and Sewage Treatment Funds increased. These increases are partially offset by a decline in street maintenance, building maintenance, and custodial services billings.

Expenditures

Total expenditures and encumbrances for FY 2002 were \$197,672,497, which were \$3,265,813 or 1.63% less than City Council had authorized. The authorized expenditure budget includes appropriations of CMERP funds during the year. General Fund expenditures and encumbrances are up 4.68% compared to the prior fiscal year.

Judicial Administration expenditures increased \$263,211 or 4.71%. Juvenile and Domestic Relations Court Services costs were up due to an increase in the number of children detained by the court and housed at the Roanoke Valley Detention Center. Circuit Court expenditures were up due to renovation costs and furniture purchases.

Health and Welfare costs were up 7.26% or \$1,817,419 due to an increase in expenditures under the Comprehensive Services Act. In FY02, the number of Special Education referrals for private day placements increased approximately 20%. Additionally, the number of children served in foster care rose 20% from the previous year, causing foster care expenditures to increase.

Community Development expenditures rose 24.48% or \$989,702 due to the establishment of the Neighborhood Partnership department as part of the General Fund. This department was included in the Grant Fund in prior years. Memberships and Affiliations expenditures increased due to increased contributions to the Roanoke Valley Convention and Visitors Bureau.

Nondepartmental expenditures grew 28.31% or \$3,012,842. Transfers of CMERP funding to the Department of Technology and Fleet Funds were larger in FY02 than FY01. The current fiscal year was the first year repayment of the equipment lease was required, and transfers were made to the Department of Technology and Fleet Funds for this repayment. A transfer to subsidize Victory Stadium operations was made to the Civic Center Fund in FY02. The transfer of the GRTC subsidy, which was previously paid through the Transportation Fund, also contributed to the increase in this category.

SCHOOL FUND

A recent history of School Fund revenue estimates compared to actual revenues follows. The amounts shown for FY02 are **unaudited** and may change during the course of our external audit. They are being reported to you for informational and planning purposes. School Board operations are accounted for as a separate fund. The revenues included in this discussion do not include the multi-year grant funds, but only those that comprise the annual adopted budget. School Fund

revenues totaled \$98,775,784 slightly below the estimate of \$100,038,855. Revenues grew by \$30,435 or .03% from the prior year.

Fiscal Year	Revenue Estimate	Actual Collections	Percent of Estimate Collected
2002	\$100,038,855	\$ 98,775,784	98.74%
2001	100,904,322	98,745,349	97.86%
2000*	97,975,376	97,824,394	99.85%
1999*	92,726,135	92,915,221	100.20%
1998*	87,792,494	88,104,376	100.36%

*Amounts in fiscal years 1998 through 2000 include School Food Service which is now accounted for as a separate fund.

School Fund Statement of Revenues

Shown on page 23 is a summary of the major categories of revenues and the specific variances between actual (unaudited) and estimated. Following are some brief comments on the variances in major revenue categories.

State Sales Tax

State sales tax totaled \$8,890,966, which was under its estimate of \$9,492,986 by \$602,020 or 6.34%. This revenue grew by only .35% over last year, reflective of the declining trends experienced in state-wide retail sales.

Grants-In-Aid Commonwealth

This category includes Basic State Aid, Special Education, Lottery Distribution, Summer Schools, Vocational Education, At-Risk Children, Fringe Benefit Reimbursement, Disparity Incentive and several smaller revenue sources. Revenues in this category totaled \$41,066,378, which is slightly under the estimate of \$41,656,787. Fringe benefit reimbursement decreased almost 25% from the prior year and fell below budget by \$312,269. During the later months of the fiscal year, group life insurance premiums were not required, causing State reimbursement amounts to decrease. Lottery Distribution and Foster Home Children revenues exceeded the budget amount. The other major revenues in this category were generally close to the estimates.

Grants-In-Aid Federal Government

Total revenue collected in this category was \$107,563, a decrease of 4.38% from FY01. Reimbursement received for indirect costs, which are paid to the school for providing

administrative and operational services for various federal programs are included in this category and have declined since FY01. An increase in funds to supplement the Air Force Junior ROTC program partially offsets this decrease.

Charges for Services

Major sources of revenue in this category are tuition, reimbursement for transportation for special trips, and rental of facilities. Revenues for the category totaled \$2,093,054, and were 3.50% under the prior year. Rental of facilities and interest revenue has declined from the prior year. An increase in tuition partially offsets these increases. Other revenue categories remained at approximately the same level as the prior year.

Transfers from General Fund

Local funding from the General Fund totaled \$46,617,823 and included the School share of local taxes. Funding from the General Fund increased \$533,059 since FY01 but fell short of the budgeted \$46,801,872 by \$184,049 due to a decrease in the transfer to cover additional school CSA costs.

Expenditures

Expenditures and encumbrances in the School Fund (excluding special purpose grants) totaled \$98,719,263, leaving an unobligated balance of \$3,047,517. It is important to note that the authorized expenditure budget includes appropriations from CMERP during the fiscal year. School expenditures, not including special purpose grant expenditures, were closely monitored during the year given the current economic conditions and the decline in reimbursements from the State. Expenditures were down from the prior year by \$1,223,080 or 1.22%.

CAPITAL MAINTENANCE AND EQUIPMENT REPLACEMENT PROGRAM (CMERP)

General Fund CMERP

Council adopted Ordinance number 26292 on December 6, 1982, establishing a reserve of General Fund balance for CMERP, specifically for maintenance and replacement of capital equipment. Computed per the requirements of Ordinance 26292, CMERP for fiscal year 2002 for Schools is \$723,530 and for the City is \$3,229,149 for a total of \$3,952,679 or 1.97% of General Fund appropriations. The following allocation has been calculated based on the Revenue Allocation Model used for the adopted budget (see pages 13 and 14 for details).

General Fund Designated FY 2002 CMERP

City Allocation	\$ 3,229,149
School Allocation	<u>723,530</u>
Total General Fund CMERP	<u>\$ 3,952,679</u>

School Fund CMERP

The School Board will receive a portion of the General Fund CMERP, as shown above, per the requirements established in Ordinance No. 26292, and also retain the CMERP generated in the School Fund. This is consistent with the method of allocating CMERP between the City and School Funds in prior years. General Fund CMERP allocated to the Schools is \$723,530. The amount of CMERP designated in the School Fund totals \$1,779,008 or 1.75% of School Fund Appropriations. Therefore, the total CMERP available to the Schools in both the General Fund and School Fund is \$2,502,538.

School Fund Designated FY 2002 CMERP

School Share of General Fund CMERP	\$ 723,530
School Fund CMERP	<u>1,779,008</u>
Total School CMERP	<u>\$ 2,502,538</u>

Additional Allocation of CMERP – Change in Accounting Policy

Unique to fiscal year 2002 is an additional CMERP allocation for both the City and Schools which results from a change in accounting policy related to our revenue recognition.

Using modified accrual accounting, local governments may establish a period of availability to define the period through which collections of revenues due at June 30th may be included in revenues for the year ended June 30th. Until fiscal year 2002, Roanoke had been using essentially no period of availability beyond June 30th for real estate, personal property and business license taxes. Additionally, for certain taxes remitted to Roanoke by the state, we have generally recorded revenues only to the extent of cash receipt at June 30th. Any taxes receivable for billings through June 30th were generally not reflected as revenue until actually collected in the subsequent fiscal year. The exceptions to this were sales tax for which we accrued the revenue related to May retail sales received in July, utility taxes, and prepared food and beverage tax.

We have changed our period of availability in Roanoke to sixty days to more closely follow accounting procedures permitted by the Government Accounting Standards Board (GASB), recommended by the Government Finance Officers Association (GFOA), and used by most local governments in Virginia. This change will require that we restate our financial statements to

reflect this as implemented at the beginning of this fiscal year so that we will still have only twelve months of revenue in each year presented in our financial statements. We will add to current year revenues the estimated amounts of collections to be made in July and August 2002 related to various taxes due the City as of June 30th.

This change has a positive impact on CMERP as it means additional recognition of revenues using the sixty-day period of availability. The calculation on page 16 illustrates the additional CMERP which results from this change. A summary is shown below:

Additional CMERP	City	Schools
From General Fund	\$ 1,753,440	\$ 993,911
From School Fund	-	750,000
Total	\$ 1,753,440	\$ 1,743,911

It should be emphasized that the additional CMERP resulting from this change in accounting policy creates a one-time increase in the amount of CMERP typically computed at year end. Additionally, these amounts are unaudited and subject to change during the course of our external audit. In planning for this change in policy over the last year, we have worked closely with our external auditors regarding this accounting change. We have also received a preliminary review by our external auditors of the amounts which were derived in making these adjustments.

Including both our annual CMERP calculations, and the effect of the additional CMERP generated by the change in revenue recognition, the following summarizes total CMERP for the year ended June 30, 2002:

	City General Fund	School Fund
Annual CMERP Computation	\$ 3,229,149	\$ 2,502,538
Additional CMERP	1,753,440	1,743,911
Total FY02 CMERP	\$ 4,982,589	\$ 4,246,449

We would like to reiterate that the General and School Fund amounts discussed within this report are unaudited and subject to change during the course of our external audit. A comprehensive financial report of all funds of the City will be included with the Comprehensive Annual Financial Report. We would also like to thank City Council, the administration, and especially the dedicated

Honorable Mayor and Members
of City Council
August 5, 2002

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staff of the Department of Finance for their support throughout fiscal year 2002. We would be pleased to answer questions that Council may have.

Sincerely,



Jesse A. Hall
Director of Finance

JAH:ca

Attachments

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
George C. Snead, Jr., Assistant City Manager
Rolanda A. Johnson, Assistant City Manager
E. Wayne Harris, Superintendent, Roanoke City Schools
Richard L. Kelley, Assistant Superintendent for Operations
Barry L. Key, Director of Management and Budget

City of Roanoke, Virginia
Allocation of CMERP to the General Fund
June 30, 2002
Unaudited

General Fund CMERP Allocation

General Fund Revenues In Excess of Budgeted Amounts	\$ 936,866
General Fund Unobligated Appropriations	3,265,813
Less: Reserve for Uninsured Claims	<u>(250,000)</u>
Total General Fund CMERP Allocation	3,952,679
School Fund CMERP Allocation, see page 14	<u>(723,530)</u>
Total General Fund CMERP	<u><u>\$ 3,229,149</u></u>

City of Roanoke, Virginia
Calculation of General Fund CMERP to Allocate to the School Board
June 30, 2002
Unaudited

Local Taxes

General Property Taxes	\$ 77,807,793
Other Local Taxes	59,696,343
Total Local Taxes	<u>137,504,136</u>

Less: Local Taxes Dedicated for Specific Purposes

Current Downtown District Real Estate Tax	(200,910)
Delinquent Downtown District Real Estate Tax	(3,493)
Current Williamson Road District Real Estate Tax	(61,174)
Delinquent Williamson Road District Real Estate Tax	(2,723)
Downtown District Public Service Tax	(25,124)
Utility Consumer Tax Dedicated to Roanoke River Flood Reduction	(808,000)
Telephone Surcharge (E911) Taxes	(1,137,606)
Cable TV Franchise Tax Dedicated to Local Government Access Channel	(194,707)
Cigarette Tax to Support Debt Service of Bonds Issued for Jail and Juvenile Detention Home	(305,000)
Motor Vehicle License Tax to Support Debt Service of Bonds Issued for Jail and Juvenile Detention Home	(325,000)
Cigarette Tax for COPE Team and Convention and Visitor's Bureau	(501,429)
Transient Room Tax to Support Convention and Visitors Bureau	(200,000)
Telecommunications Right of Way Use Fee Dedicated to Paving	(544,760)
One Cent Real Estate Tax Dedicated to Economic Development	(393,961)
One Cent Transient Occupancy Tax Dedicated to Tourism	(287,500)
Ten Cents Cigarette Tax Dedicated to Curb, Gutter and Sidewalk	(735,000)
Debt Service on Bonds Issued for Innotech Project	(926,803)
Net Local Taxes	<u>130,850,946</u>

School Percentage Share of Local Taxes	<u>36.42% *</u>
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School Share of Local Taxes	47,655,915
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Other Adjustments:

Deduct School Portion of CSA Program	(1,133,521)
Deduct Interest Earnings	(200,000)
Add Funding for Pre-School Initiative	<u>204,755</u>

Net School Transfer	46,527,149
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Less: FY02 Local Funding Provided to School Board	<u>(45,803,619)</u>
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Allocation of CMERP to School Board	<u><u>\$ 723,530</u></u>
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* Percentage share based on Revenue Allocation Model developed by the Department of Management and Budget.

City of Roanoke, Virginia
Summary of School Board CMERP
June 30, 2002
Unaudited

School Fund CMERP Allocation

School Fund Revenues Less Than Budgeted Amounts	\$ (1,263,071)
School Fund Unobligated Appropriations	3,047,516
Subtract: Increase in Workers' Comp Trust Fund	<u>(5,437)</u>
Total School Fund CMERP Allocation	1,779,008
General Fund CMERP Allocation, see page 14	<u>723,530</u>
Total School CMERP	<u><u>\$ 2,502,538</u></u>

City of Roanoke, Virginia
Additional Allocation of CMERP
Resulting From Change in Revenue Recognition
June 30, 2002
Unaudited

<u>Computation of Additional General Fund CMERP:</u>	Revenue/ (Expense) Accrual	CMERP Calculation	
		City	Schools
Additional Local Tax Accrual	A \$ 2,529,025	\$ 1,607,954	\$ 921,071
Additional Cable TV Tax Accrual	B 250,000	177,160	72,840
Additional Grants-in-Aid Commonwealth Accrual	145,000	145,000	-
Deduction for Expenditure Accrual Related to Tipping Fees of Solid Waste Management	<u>(176,674)</u>	<u>(176,674)</u>	<u>-</u>
	<u>\$ 2,747,351</u>	<u>\$ 1,753,440</u>	<u>\$ 993,911</u>
 <u>Computation of Additional School Fund CMERP:</u>			
Additional Sales Tax Accrual	<u>\$ 750,000</u>	<u>\$ -</u>	<u>\$ 750,000</u>

A - Local taxes are shared with the School Board using the Revenue Allocation Model developed by the Department of Management and Budget. Accordingly, the School share of these local taxes is 36.42%.

B - The Cable Television accrual is shared with the School Board using the same Revenue Allocation Model except that 20% of Cable TV Franchise taxes are dedicated to the Local Government Access Channel and therefore not allocated in any part to the Schools.

City of Roanoke, Virginia
Summary of Total CMERP Allocation
June 30, 2002
Unaudited

	General Fund	School Fund
Annual CMERP Allocation		
From General Fund	\$ 3,229,149	\$ 723,530
From School Fund	<u>-</u>	<u>1,779,008</u>
Total	<u>3,229,149</u>	<u>2,502,538</u>
Additional CMERP Allocation Resulting From Change in Revenue Recognition		
From General Fund	1,753,440	993,911
From School Fund	<u>-</u>	<u>750,000</u>
Total Additional	<u>1,753,440</u>	<u>1,743,911</u>
Grand Total	<u><u>\$ 4,982,589</u></u>	<u><u>\$ 4,246,449</u></u>

City of Roanoke, Virginia
Capital Maintenance and Equipment Replacement Reserve (CMERP)
Per Ordinance 26292

Total General Fund Budget FY02	\$ 200,938,310
	<u>10%</u>
	20,093,831
Less: General Fund Transfer to Debt Service	<u>(12,266,899)</u>
Maximum Designated CMERP Reserve	<u><u>\$ 7,826,932</u></u>

**CITY OF ROANOKE, VIRGINIA
SUMMARY OF CITY MANAGER TRANSFERS
AND AVAILABLE CONTINGENCY
JUNE 30, 2002**

<u>Transfer Number</u>	<u>Date</u>	<u>Explanation</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
General Fund:					
CMT-1863	07/30/01	Donation to Brain Injury Association	Jail	Membership and Affiliations	\$ 5,000
CMT-532	08/09/01	Tipping Fees	Solid Waste Management	Engineering	568
CMT-533	08/09/01	Tipping Fees	Solid Waste Management	Building Maintenance	2,270
CMT-1176	08/28/01	Deficit in State and Local Hospitalization Reimbursements	Human Services Support	Hospitalization Program	995
CMT-1177	08/31/01	Fees Due to Downtown Roanoke Inc. Related to Farmer's Market	Contingency*	Memberships and Affiliations	15,856
CMT-536	10/04/01	Consultant Payment for Health Care Renewal	Residual Fringe Benefits	Human Resources	13,000
CMT-1195	10/04/01	Adoption Incentive Funds	Income Maintenance	Social Services-Services	15,089
CMT-544	11/20/01	Feasibility Study Related to Proposed Art Center	Residual Fringe Benefits	City Manager	75,000
CMT-1214	12/12/01	Contribution to Greater Raleigh Court Civic League	Pay Raise/Supplemental Budget	Memberships and Affiliations	25,000
CMT-548	12/13/01	RRHA Property Reimbursement	Juvenile and Domestic Relations Court Services	Housing and Neighborhood Services	53,700
CMT-550	01/16/02	Fund Professional Fees Needed for Year	Residual Fringe Benefits	City Attorney	20,000
CMT-1230	01/17/02	Additional Advertising Due to Increase in IFBs and RFPs	General Services	Purchasing	5,000
CMT-554	01/31/02	Furnishings in Court and Jury Rooms	Jail	Circuit Court Judges	55,000
CMT-556	02/08/02	Transfer Housing and Neighborhood Services Coordinator Position	City Manager	Housing and Neighborhood Services	38,255
CMT-558	02/08/02	Transfer Executive Secretary Position	Planning and Code Enforcement	Housing and Neighborhood Services	22,036
CMT-561	02/08/02	Transfer Project Specialist Position	Housing and Neighbor- hood Services	Director of Public Works	42,958
CMT-562	02/22/02	Supplement Operating Expenses	Management and Budget	Director of Public Works	2,000
CMT-568	03/19/02	Funding for 22 Transferred Employees	Parks	Streets and Traffic	50,595
CMT-570	03/19/02	City Share of Electric Service Negotiations with AEP	Building Maintenance	Memberships and Affiliations	44,750
CMT-572	03/25/02	Strategic Business Planning Consultant	Outreach Detention	Human Services Support	9,313
CMT-578	04/24/02	Additional Elections and Unexpected Redistricting	Miscellaneous	Electoral Board	22,294
CMT-580	04/24/02	Renovations to Belmont Community Fire Station	Housing and Neighbor- hood Services	Building Maintenance	10,500
CMT-589	05/21/02	Replace Judge Weckstein's Office Furniture	Jail	Circuit Court Judges	19,000
CMT-594	06/03/02	Replace Carpet, Floor Tile and Furni- ture for Juvenile Court Service Unit	Contingency*	Juvenile and Domestic Relations Court Clerk	16,500
CMT-600	06/18/02	July 4th Music for Americans Program Shuttle Service	Contingency*	Director of General Services	2,500
CMT-602	06/24/02	Health Department Subsidies	Outreach Detention	Health Department	87
CMT-606	06/14/02	Supplement Operating Expenses	Contingency*	City Council	7,675
CMT-1329	06/06/02	Supplement Operating Expenses	Solid Waste Management		
			Refuse/Recycling	Director of Public Works	250
CMT-1332	05/09/02	Grandin Court Flooring Project	Parks	Recreation	2,306
CMT-1339	06/14/02	Payments to Virginia First Cities and Drug Council	Contingency*	Memberships and Affiliations	13,005
CMT-1345	06/18/02	Replace Office Furniture	Building Maintenance	Purchasing	2,000
CMT-1351	06/27/02	Pre-Development Crew Suites	Contingency*	Memberships and Affiliations	58,000
CMT-619	07/29/02	Year-End Accruals/Final Balancing	Recreation	Commonwealth Attorney	1,938
CMT-619	07/29/02	Year-End Accruals/Final Balancing	Recreation	Occupational Health Clinic	671

CITY OF ROANOKE, VIRGINIA
SUMMARY OF CITY MANAGER TRANSFERS
AND AVAILABLE CONTINGENCY
JUNE 30, 2002
(CONTINUED)

<u>Transfer Number</u>	<u>Date</u>	<u>Explanation</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
<u>General Fund:</u>					
CMT-622	07/29/02	Year-End Accruals/Final Balancing	Building Maintenance	Director of General Services	672
CMT-622	07/29/02	Year-End Accruals/Final Balancing	Building Maintenance	Paving Program	201
CMT-622	07/29/02	Year-End Accruals/Final Balancing	Building Maintenance	Snow Removal	617
CMT-622	07/29/02	Year-End Accruals/Final Balancing	Building Maintenance	Office of Management and Budget	5,776
CMT-622	07/29/02	Year-End Accruals/Final Balancing	Building Maintenance	Purchasing	2,023
CMT-626	07/29/02	Year-End Accruals/Final Balancing	Recreation	Parks	28,784
CMT-626	07/29/02	Year-End Accruals/Final Balancing	Recreation	Foster Parent Training	1,124
CMT-626	07/29/02	Year-End Accruals/Final Balancing	Recreation	Police-Animal Control	4,319
CMT-626	07/29/02	Year-End Accruals/Final Balancing	Recreation	Clerk of Circuit Court	472
CMT-626	07/29/02	Year-End Accruals/Final Balancing	Recreation	General District Court	102
CMT-632	07/29/02	Year-End Accruals/Final Balancing	Transfers to Other Funds	Transfers to Other Funds	23,263
CMT-632	07/29/02	Year-End Accruals/Final Balancing	Miscellaneous	Transfers to Other Funds	16,207
CMT-632	07/29/02	Year-End Accruals/Final Balancing	Contingency*	Transfers to Other Funds	8,122
CMT-635	07/29/02	Year-End Accruals/Final Balancing	Contingency*	Transfers to Other Funds	75,000
CMT-639	07/29/02	Year-End Accruals/Final Balancing	Police Patrol	Juvenile Relations Court Services	16,907
CMT-639	07/29/02	Year-End Accruals/Final Balancing	Police Patrol	Electorial Board	10,471
CMT-639	07/29/02	Year-End Accruals/Final Balancing	Police Patrol	Memberships and Affiliations	6,735
CMT-639	07/29/02	Year-End Accruals/Final Balancing	Police Patrol	Human Resources	6,778
				Total General Fund	<u>\$860,684</u>
<u>Capital Projects Fund:</u>					
CMT-1180	09/05/01	Additional Project Expenses	Broadway Street Bridge	First Street Bridge	\$ 23,550
CMT-1244	02/14/02	Preston Tennis Court Renovations	Special Park Project Grants	Athletic Court Improvements	522
CMT-564	02/20/02	Construction Cost of Fire-EMS Regional Training Center	Fire EMS Facility Improvement Program	Regional Fire EMS Training Center	8,800
CMT-584	04/29/02	Consultant Contract for Update to Zoning Ordinance	Downtown Plan Update	Updating Zoning Ordinance	693
CMT-584	04/29/02	Consultant Contract for Update to Zoning Ordinance	Comprehensive Plan	Updating Zoning Ordinance	10,789
CMT-582	05/16/02	Consultant Fees for Church Avenue West Parking Study	Church Street Garage Rehabilitation	Downtown Parking Study	20,000
CMT-591	05/30/02	Anti-Icing Distribution System	Greenway Maintenance Equipment	Anti-Icing Distribution System	200
CMT-591	05/30/02	Anti-Icing Distribution System	Thermal Imaging Cameras	Anti-Icing Distribution System	200
CMT-598	06/11/02	Hazard Mitigation Grant Program	Garden City Property/ Relocation Program	1998 Regional Mitigation Project	14,592
				Total Capital Projects Fund	<u>\$ 79,346</u>

**CITY OF ROANOKE, VIRGINIA
SUMMARY OF CITY MANAGER TRANSFERS
AND AVAILABLE CONTINGENCY
JUNE 30, 2002
(CONTINUED)**

Available Contingency

Balance of Contingency at July 1, 2001				\$500,000
*Contingency Appropriations From Above				(196,658)
Contingency Appropriations Through Budget Ordinances:				
BO 35515	08/20/01	Drug Prosecutor	Contingency	Transfer to Grant Fund (8,170)
BO 35544	09/04/01	Zoning Inspector Positions	Contingency	Transfer to Grant Fund (80,996)
BO 35782	04/01/02	Virginia Exile Grant Local Match	Contingency	Transfer to Grant Fund (17,401)
BO 35939	06/17/02	Risk Management Operating Costs	Contingency	Transfer to Risk Management Fund (165,910)
Available Contingency at June 30, 2002				<u>\$ 30,865</u>

**CITY OF ROANOKE, VIRGINIA
GENERAL FUND**

**STATEMENT OF REVENUE
(UNAUDITED)**

Revenue Source	Year to Date for the Period			Current Fiscal Year	
	July 1 - June 30 2000-2001	July 1 - June 30 2001-2002	Percentage of Change	Revised Revenue Estimates	Percent of Revenue Estimate Received
General Property Taxes	\$ 67,776,339	\$ 70,101,766	3.43 %	\$ 69,113,324	101.43%
Other Local Taxes	58,663,094	59,696,343	1.76 %	58,016,878	102.89%
Permits, Fees and Licenses	840,520	1,076,603	28.09 %	957,150	112.48%
Fines and Forfeitures	818,982	1,103,113	34.69 %	1,014,600	108.72%
Revenue from Use of Money and Property	1,044,449	1,100,101	5.33 %	1,118,330	98.37%
Grants-in-Aid Commonwealth	51,459,893	53,264,662	3.51 %	54,916,597	96.99%
Grants-in-Aid Federal Government	34,359	34,358	0.00 %	34,300	100.17%
Charges for Services	3,483,819	3,780,853	8.53 %	3,888,997	97.22%
Miscellaneous Revenue	295,247	481,068	62.94 %	560,236	85.87%
Internal Services	2,225,240	2,249,103	1.07 %	2,330,692	96.50%
Total	\$ 186,641,942	\$ 192,887,970	3.35 %	\$ 191,951,104	100.49%

**STATEMENT OF EXPENDITURES AND ENCUMBRANCES
(UNAUDITED)**

Expenditures	Year to Date for the Period			Current Fiscal Year		
	July 1 - June 30 2000-2001	July 1 - June 30 2001-2002	Percentage of Change	Unencumbered Balance	Revised Appropriations	Percent of Budget Obligated
General Government	\$ 11,855,071	\$ 11,658,081	-1.66 %	\$ 224,589	\$ 11,882,670	98.11%
Judicial Administration	5,585,652	5,848,863	4.71 %	59,752	5,908,615	98.99%
Public Safety	44,363,281	45,676,338	2.96 %	1,321,368	46,997,706	97.19%
Public Works	24,397,348	25,171,839	3.17 %	327,467	25,499,306	98.72%
Health and Welfare	25,019,650	26,837,069	7.26 %	1,072,070	27,909,139	96.16%
Parks, Recreation and Cultural	4,728,770	4,909,877	3.83 %	88,963	4,998,840	98.22%
Community Development	4,042,136	5,031,838	24.48 %	138,739	5,170,577	97.32%
Transfer to Debt Service Fund	12,109,799	12,266,899	1.30 %	-	12,266,899	100.00%
Transfer to School Fund	46,084,764	46,617,823	1.16 %	-	46,617,823	100.00%
Nondepartmental	10,641,028	13,653,870	28.31 %	32,865	13,686,735	99.76%
Total	\$ 188,827,499	\$ 197,672,497	4.68 %	\$ 3,265,813	\$ 200,938,310	98.37%

**CITY OF ROANOKE, VIRGINIA
SCHOOL FUND STATEMENT OF REVENUE
(UNAUDITED)**

<u>Revenue Source</u>	<u>Year to Date for the Period</u>			<u>Current Fiscal Year</u>	
	<u>July 1 - June 30 2000-2001</u>	<u>July 1 - June 30 2001-2002</u>	<u>Percentage of Change</u>	<u>Revised Revenue Estimates</u>	<u>Percent of Revenue Estimate Received</u>
State Sales Tax	\$ 8,859,609	\$ 8,890,966	0.35 %	\$ 9,492,986	93.66 %
Grants-in-Aid Commonwealth	41,519,607	41,066,378	-1.09 %	41,656,787	98.58 %
Grants-in-Aid Federal Government	112,485	107,563	-4.38 %	115,390	93.22 %
Charges for Services	2,168,884	2,093,054	-3.50 %	1,971,820	106.15 %
Transfer from General Fund	46,084,764	46,617,823	1.16 %	46,801,872	99.61 %
Special Purpose Grants	13,588,212	14,014,253	3.14 %	14,014,253	NA
Total	\$ 112,333,561	\$ 112,790,037	0.41 %	\$ 114,053,108	98.89 %

**SCHOOL FUND STATEMENT OF EXPENDITURES AND ENCUMBRANCES
(UNAUDITED)**

<u>Expenditures</u>	<u>Year to Date for the Period</u>			<u>Current Fiscal Year</u>		
	<u>July 1 - June 30 2000-2001</u>	<u>July 1 - June 30 2001-2002</u>	<u>Percentage of Change</u>	<u>Unencumbered Balance</u>	<u>Revised Appropriations</u>	<u>Percent of Budget Obligated</u>
Instruction	\$ 73,741,649	\$ 72,310,286	-1.94 %	\$ 2,341,163	\$ 74,651,449	96.86 %
General Support	4,096,876	3,844,938	-6.15 %	221	3,845,159	99.99 %
Transportation	3,612,118	3,912,843	8.33 %	3	3,912,846	100.00 %
Operation and						
Maintenance of Plant	10,037,503	10,052,523	0.15 %	278,942	10,331,465	97.30 %
Facilities	2,986,842	2,409,220	-19.34 %	9,140	2,418,360	99.62 %
Other Uses of Funds	5,467,355	6,189,453	13.21 %	418,048	6,607,501	93.67 %
Special Purpose Grants	13,588,212	14,014,253	3.14 %	-	14,014,253	NA
Total	\$ 113,530,555	\$ 112,733,516	-0.70 %	\$ 3,047,517	\$ 115,781,033	97.37 %

**CITY OF ROANOKE, VIRGINIA
SCHOOL FOOD SERVICE FUND STATEMENT OF REVENUE
(UNAUDITED)**

<u>Revenue Source</u>	<u>Year to Date for the Period</u>			<u>Current Fiscal Year</u>	
	<u>July 1 - June 30 2000-2001</u>	<u>July 1 - June 30 2001-2002</u>	<u>Percentage of Change</u>	<u>Revised Revenue Estimates</u>	<u>Percent of Revenue Estimate Received</u>
Grants-in-Aid Commonwealth	\$ 85,762	\$ 84,483	-1.49 %	\$ 84,464	100.02 %
Grants-in-Aid Federal Government	2,777,951	2,963,043	6.66 %	2,891,594	102.47 %
Charges for Services	1,479,604	1,537,397	3.91 %	1,545,256	99.49 %
Total	\$ 4,343,317	\$ 4,584,923	5.56 %	\$ 4,521,314	101.41 %

**SCHOOL FOOD SERVICE FUND STATEMENT OF EXPENDITURES AND ENCUMBRANCES
(UNAUDITED)**

<u>Expenditures</u>	<u>Year to Date for the Period</u>			<u>Current Fiscal Year</u>		
	<u>July 1 - June 30 2000-2001</u>	<u>July 1 - June 30 2001-2002</u>	<u>Percentage of Change</u>	<u>Unencumbered Balance</u>	<u>Revised Appropriations</u>	<u>Percent of Budget Obligated</u>
Food Services	\$ 4,265,355	\$ 4,352,109	2.03 %	\$ 193,900	\$ 4,546,009	95.73 %
Facilities	-	54,278	100.00 %	16,978	86,218	62.95 %
Total	\$ 4,265,355	\$ 4,406,387	3.31 %	\$ 210,878	\$ 4,632,227	95.12 %

**CITY OF ROANOKE, VIRGINIA
CAPITAL PROJECTS FUND
STATEMENT OF EXPENDITURES, ENCUMBRANCES, AND
UNENCUMBERED APPROPRIATIONS SUMMARY AS OF JUNE 30, 2002
(UNAUDITED)**

	Budget	Expenditures To Date	Unexpended Balance	Outstanding Encumbrances	Unobligated Balance
General Government	\$ 13,246,584	\$ 11,707,326	\$ 1,539,258	\$ 127,808	\$ 1,411,450
Flood Reduction	21,808,387	8,501,753	13,306,634	2,271,386	11,035,248
Economic Development	24,901,540	22,129,840	2,771,700	213,612	2,558,088
Community Development	6,016,143	3,768,183	2,247,960	704,330	1,543,630
Public Safety	8,236,831	7,211,883	1,024,948	218,251	806,697
Recreation	26,901,537	6,415,155	20,486,382	740,824	19,745,558
Streets and Bridges	25,321,040	21,125,432	4,195,608	2,497,056	1,698,552
Storm Drains	2,847,131	1,797,478	1,049,653	482,530	567,123
Traffic Engineering	5,276,952	4,016,714	1,260,238	1,123,627	136,611
Capital Improvement Reserve	15,508,963	-	15,508,963	-	15,508,963
Total	\$ 150,065,108	\$ 86,673,764	\$ 63,391,344	\$ 8,379,424	\$ 55,011,920

**CITY OF ROANOKE, VIRGINIA
SCHOOL CAPITAL PROJECTS FUND
STATEMENT OF EXPENDITURES, ENCUMBRANCES, AND
UNENCUMBERED APPROPRIATIONS SUMMARY AS OF JUNE 30, 2002
(UNAUDITED)**

	Budget	Expenditures To Date	Unexpended Balance	Outstanding Encumbrances	Unobligated Balance
Elementary Schools Renovation	\$ 17,558,105	\$ 12,574,449	\$ 4,983,656	\$ 232,392	\$ 4,751,264
Middle Schools Renovation	2,840,307	2,692,235	148,072	13,250	134,822
High Schools Renovation	3,525,763	3,495,328	30,435	153	30,282
Interest Expense	262,929	253,287	9,642	-	9,642
Capital Improvement Reserve	1,051,271	-	1,051,271	-	1,051,271
Total	\$ 25,238,375	\$ 19,015,299	\$ 6,223,076	\$ 245,795	\$ 5,977,281

**CITY OF ROANOKE, VIRGINIA
CAPITAL PROJECTS FUND
COMPARATIVE STATEMENT OF REVENUES
FOR THE 12 MONTHS ENDING JUNE 30, 2002
(UNAUDITED)**

	<u>FY 2002</u>	<u>FY 2001</u>
Interest Revenue:		
Interest on Bond Proceeds	\$ 982,841	\$ 1,287,768
Interest on SunTrust Lease	12,120	9,277
Interest on Idle Working Capital	540,981	1,112,469
Total Interest Revenue	<u>1,535,942</u>	<u>2,409,514</u>
Multi Year Revenues:		
Intergovernmental Revenue:		
Federal Government:		
FEMA - Garden City	-	259,932
FEMA - Regional Mitigation Project	19,223	243,295
Commonwealth:		
VDES - Garden City Mitigation Project	10,143	-
Virginia Transportation Museum - ISTE	23,064	18,368
VDES - 1998 Regional Mitigation	-	-
Passenger Station Enhancement - TEA-21	118,989	-
Mountain View Historic Resource	-	20,000
Buena Vista Historic Resource	-	20,000
State Industrial Grant - RCIT	-	162,839
Total Intergovernmental Revenue	<u>171,419</u>	<u>724,434</u>
Revenue from Third Parties:		
Verizon - Brambleton Avenue Signals	-	36,055
Mill Mountain Visitors Center - Private Donations	-	10,000
First Union Penalty Payment	-	34,000
First Union Job Grant Repayment	44,400	-
Times-World Corporation - Land Sale	3,100	-
Trigon Insurance - Land Sale	100	-
Bill and Melinda Gates Foundation	-	137,445
Westview Terrace - Land Sale	-	125,110
Roanoke Times Air Rights Lease	8,500	-
Sale of Nelms Lane Property	500	-
First Tee Golf Deposit	15	-
Advance Stores GOF Agreement	670,000	-
Total Revenue from Third Parties	<u>726,615</u>	<u>342,610</u>
Other Revenue:		
Transfers from General Fund	6,439,336	6,834,318
Transfers from Water Fund	375,000	2,900
Transfers from Sewage Fund	-	12,600
Transfers from Management Services Fund	-	100,000
Proceeds from Capital Lease - SunTrust	-	700,000
General Obligation Bond Proceeds - Series 2002	41,530,000	-
Total Other Revenue	<u>48,344,336</u>	<u>7,649,818</u>
Total	<u>\$ 50,778,312</u>	<u>\$ 11,126,376</u>

**CITY OF ROANOKE, VIRGINIA
WATER FUND
COMPARATIVE INCOME STATEMENT
FOR THE 12 MONTHS ENDING JUNE 30, 2002
(UNAUDITED)**

	<u>FY 2002</u>	<u>FY 2001</u>
Operating Revenues		
Commercial Sales	\$4,530,050	\$3,967,212
Domestic Sales	3,758,528	3,530,608
Industrial Sales	680,864	310,279
Town of Vinton	28,052	14,738
City of Salem	30,165	32,303
County of Botetourt	231,750	234,227
County of Bedford	23,157	13,188
Customer Services	590,748	475,562
Charges for Services	<u>1,353,399</u>	<u>3,423,630</u>
Total Operating Revenues	<u>11,226,713</u>	<u>12,001,747</u>
Operating Expenses		
Personal Services	4,172,706	4,019,630
Operating Expenses	4,060,757	5,333,778
Depreciation	<u>1,694,047</u>	<u>1,674,377</u>
Total Operating Expenses	<u>9,927,510</u>	<u>11,027,785</u>
Operating Income	<u>1,299,203</u>	<u>973,962</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	297,251	413,015
Rent	78,689	73,161
Sale of Land	375,000	-
Miscellaneous Revenue	60,967	19,724
Source Water Assessment Grant	-	24,000
Interest and Fiscal Charges	(1,034,736)	(1,127,542)
Transfer to Capital Projects Fund	<u>(375,000)</u>	<u>(2,900)</u>
Net Nonoperating Expenses	<u>(597,829)</u>	<u>(600,542)</u>
Net Income	<u><u>\$701,374</u></u>	<u><u>\$373,420</u></u>

**CITY OF ROANOKE, VIRGINIA
SEWAGE TREATMENT FUND
COMPARATIVE INCOME STATEMENT
FOR THE 12 MONTHS ENDING JUNE 30, 2002
(UNAUDITED)**

	<u>FY 2002</u>	<u>FY 2001</u>
Operating Revenues		
Sewage Charges - City	\$7,273,319	\$7,311,593
Sewage Charges - Roanoke County	881,231	1,034,041
Sewage Charges - Vinton	230,792	245,691
Sewage Charges - Salem	853,248	987,307
Sewage Charges - Botetourt County	157,970	150,047
Customer Services	156,034	184,926
Interfund Services	<u>201,516</u>	<u>188,930</u>
Total Operating Revenues	<u>9,754,110</u>	<u>10,102,535</u>
Operating Expenses		
Personal Services	2,073,681	1,886,560
Operating Expenses	6,183,214	6,204,115
Depreciation	<u>1,406,590</u>	<u>1,187,716</u>
Total Operating Expenses	<u>9,663,485</u>	<u>9,278,391</u>
Operating Income	<u>90,625</u>	<u>824,144</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	177,447	377,420
Capital Contributions - Other Jurisdictions	154,502	658,190
Miscellaneous Revenue	16	44
Interest and Fiscal Charges	(759,774)	-
Transfer to Capital Projects Fund	-	(12,600)
Loss on Disposal of Fixed Assets	<u>(34,082)</u>	<u>-</u>
Net Nonoperating Income (Expenses)	<u>(461,891)</u>	<u>1,023,054</u>
Net Income (Loss)	<u><u>(\$371,266)</u></u>	<u><u>\$1,847,198</u></u>

**CITY OF ROANOKE, VIRGINIA
CIVIC CENTER FUND
COMPARATIVE INCOME STATEMENT
FOR THE 12 MONTHS ENDING JUNE 30, 2002
(UNAUDITED)**

	<u>FY 2002</u>	<u>FY 2001</u>
Operating Revenues		
Rentals	\$675,191	\$600,986
Event Expenses	348,813	181,307
Display Advertising	178,180	81,000
Admissions Tax	271,324	284,873
Electrical Fees	11,061	25,627
Novelty Fees	62,188	48,567
Facility Surcharge	260,127	238,030
Charge Card Fees	80,278	39,907
Commissions	7,877	-
Catering/Concessions	1,273,946	1,163,947
Other	37,499	20,153
Total Operating Revenues	<u>3,206,484</u>	<u>2,684,397</u>
Operating Expenses		
Personal Services	1,993,932	1,294,266
Operating Expenses	2,049,419	2,160,619
Depreciation	383,182	444,016
Total Operating Expenses	<u>4,426,533</u>	<u>3,898,901</u>
Operating Loss	<u>(1,220,049)</u>	<u>(1,214,504)</u>
Nonoperating Revenues		
Transfer from General Fund-Operating	1,137,130	878,703
Transfer from General Fund - Nonoperating	830,000	-
Transfer from General Fund - Victory Stadium	204,555	-
Transfer from Capital Projects Fund	385,000	65,838
Interest on Investments	71,330	11,403
Miscellaneous	1,676	-
Total Nonoperating Revenues	<u>2,629,691</u>	<u>955,944</u>
Net Income (Loss)	<u><u>\$1,409,642</u></u>	<u><u>(\$258,560)</u></u>

**CITY OF ROANOKE, VIRGINIA
TRANSPORTATION FUND
COMPARATIVE INCOME STATEMENT
FOR THE 12 MONTHS ENDING JUNE 30, 2002
(UNAUDITED)**

	<u>FY 2002</u>	<u>FY 2001</u>
Operating Revenues		
Century Station Parking Garage	\$385,311	\$361,904
Williamson Road Parking Garage	440,431	434,086
Market Square Parking Garage	217,106	209,009
Church Avenue Parking Garage	472,106	459,461
Tower Parking Garage	407,046	400,195
Gainsboro Parking Garage	8,649	-
Williamson Road Surface Lot	103,391	69,237
Norfolk Avenue Surface Lot	28,356	-
Gainsboro Surface Lot	15,085	-
Total Operating Revenues	<u>2,077,481</u>	<u>1,933,892</u>
Operating Expenses		
Operating Expenses	830,188	759,150
Depreciation	541,515	540,607
Total Operating Expenses	<u>1,371,703</u>	<u>1,299,757</u>
Operating Income	<u>705,778</u>	<u>634,135</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	72,005	26,611
Miscellaneous	2,837	10,432
Transfer from General Fund	32,000	761,358
Transfer from Capital Projects Fund	108,608	-
Transfer to General Fund	(209,835)	-
Transfer to GRTC - Operating	-	(850,183)
Transfer to GRTC - Capital	-	(98,000)
Transfer to GRTC - Shuttle Service	-	(130,000)
Interest and Fiscal Charges	(497,122)	(521,748)
Net Nonoperating Expenses	<u>(491,507)</u>	<u>(801,530)</u>
Net Income (Loss)	<u><u>\$214,271</u></u>	<u><u>(\$167,395)</u></u>

**CITY OF ROANOKE, VIRGINIA
HOTEL ROANOKE CONFERENCE CENTER FUND
COMPARATIVE INCOME STATEMENT
FOR THE 12 MONTHS ENDING JUNE 30, 2002
(UNAUDITED)**

	FY 2002			FY 2001
	COMMISSION (1)	CONFERENCE CENTER (2)	TOTAL	
Operating Revenues				
Conference Center	\$ -	\$ 2,942,833	\$ 2,942,833	\$ 2,753,796
Total Operating Revenues	<u>-</u>	<u>2,942,833</u>	<u>2,942,833</u>	<u>2,753,796</u>
Operating Expenses				
Personal Services	56,554	-	56,554	103,278
Fees for Professional Services	87,883	-	87,883	49,875
Administrative Expenses	33,776	-	33,776	1,204
Conference Center	-	2,549,091	2,549,091	2,542,157
Total Operating Expenses	<u>178,213</u>	<u>2,549,091</u>	<u>2,727,304</u>	<u>2,696,514</u>
Net Operating Income (Loss)	<u>(178,213)</u>	<u>393,742</u>	<u>215,529</u>	<u>57,282</u>
Nonoperating Revenues (Expenses)				
Contributions from City of Roanoke	175,000	-	175,000	175,000
Contributions from-Virginia Tech	175,000	-	175,000	175,000
Insurance Proceeds	-	-	-	189,000
HRCCC Settlement Proceeds	-	-	-	8,000,000
Construction Repairs	(57,428)	-	(57,428)	(4,949,569)
Interest on Investments	103,700	-	103,700	235,910
Rent, Taxes, Insurance, and Other	-	(183,884)	(183,884)	(140,705)
Net Nonoperating Revenues (Expenses)	<u>396,272</u>	<u>(183,884)</u>	<u>212,388</u>	<u>3,684,636</u>
Net Income Before Depreciation	218,059	209,858	427,917	3,741,918
Depreciation Expense/Replacement Reserve	(511,236)	(90,111)	(601,347)	(610,928)
Net Income (Loss)	<u>\$ (293,177)</u>	<u>\$ 119,747</u>	<u>\$ (173,430)</u>	<u>\$ 3,130,990</u>

Notes to Financial Statement:

- (1) The column entitled "Commission" represents Commission activity in the City's financial records.
- (2) The column entitled "Conference Center" represents actual revenue and expenses of the Conference Center, as provided by Doubletree Management.

**CITY OF ROANOKE, VIRGINIA
INTERNAL SERVICE FUNDS
COMPARATIVE INCOME STATEMENT
FOR THE 12 MONTHS ENDING JUNE 30, 2002
(UNAUDITED)**

	Department				TOTALS	
	of	Materials	Fleet	Risk		
	Technology	Control	Management	Management	FY 2002	FY 2001
Operating Revenues						
Charges for Services	\$4,191,628	\$943,319	\$3,476,493	\$10,199,722	\$18,811,162	\$16,837,289
Total Operating Revenues	4,191,628	943,319	3,476,493	10,199,722	18,811,162	16,837,289
Operating Expenses						
Personal Services	2,125,852	67,136	1,223,474	156,494	3,572,956	3,632,602
Operating Expenses	1,397,137	1,031,974	1,188,222	10,644,652	14,261,985	11,245,013
Depreciation	506,904	-	2,044,830	-	2,551,734	2,453,894
Total Operating Expenses	4,029,893	1,099,110	4,456,526	10,801,146	20,386,675	17,331,509
Operating Income (Loss)	161,735	(155,791)	(980,033)	(601,424)	(1,575,513)	(494,220)
Nonoperating Revenues (Expenses)						
Interest Revenue	130,161	5,927	33,151	291,132	460,371	960,064
Interest Expense	(15,271)	-	(64,080)	-	(79,351)	(32,213)
Transfers To Other Funds	(41,350)	-	-	-	(41,350)	(100,000)
Loss on Disposal of Fixed Assets	-	-	(57,879)	-	(57,879)	(125,867)
Transfers From Other Funds	2,582,247	-	696,231	250,000	3,528,478	1,502,238
Other Revenue	309,247	-	-	-	309,247	59,836
Net Nonoperating Revenues	2,965,034	5,927	607,423	541,132	4,119,516	2,264,058
Net Income (Loss)	\$3,126,769	(\$149,864)	(\$372,610)	(\$60,292)	\$2,544,003	\$1,769,838

CITY OF ROANOKE, VIRGINIA
CITY TREASURER'S OFFICE
GENERAL STATEMENT OF ACCOUNTABILITY
FOR THE MONTH ENDED JUNE 30, 2002

TO THE DIRECTOR OF FINANCE:

GENERAL STATEMENT OF ACCOUNTABILITY OF THE CITY TREASURER OF THE CITY OF ROANOKE, VIRGINIA FOR THE FUNDS OF SAID CITY FOR THE MONTH ENDED JUNE 30, 2002.

FUND	BALANCE AT MAY 31, 2002	RECEIPTS	DISBURSEMENTS	BALANCE AT JUNE 30, 2002	BALANCE AT JUNE 30, 2001
GENERAL	\$13,532,447.29	\$16,353,603.30	\$21,303,688.76	\$8,582,361.83	\$11,710,622.82
WATER	12,006,502.42	562,248.52	1,563,413.76	11,005,337.18	7,798,351.41
SEWAGE	9,621,914.41	1,532,901.98	1,610,175.64	9,544,640.75	7,504,042.36
CIVIC CENTER	4,092,110.49	1,379,738.37	318,095.05	5,153,753.81	1,049,974.81
TRANSPORTATION	404,065.60	184,575.86	46,620.09	542,021.37	363,373.18
CAPITAL PROJECTS	63,983,570.89	127,254.80	669,781.13	63,441,044.56	37,386,707.15
CONFERENCE CENTER	4,290,056.11	2,776.78	18,725.50	4,274,107.39	4,694,779.31
RKE VALLEY DETENTION COMM	2,631,078.52	319,496.02	861,895.00	2,088,679.54	4,339,752.66
DEBT SERVICE	14,071,625.25	22,554.05	0.00	14,094,179.30	13,087,190.50
DEPT OF TECHNOLOGY	5,805,105.30	498,989.46	492,995.22	5,811,099.54	4,247,556.77
MATERIALS CONTROL	315,573.05	75,497.71	85,513.21	305,557.55	156,082.61
MANAGEMENT SERVICES	0.00	0.00	0.00	0.00	178,296.85
FLEET MANAGEMENT	981,043.39	53,007.50	346,794.68	687,256.21	169,349.05
PAYROLL	(13,001,460.86)	24,571,730.76	14,744,323.14	(3,174,053.24)	(5,717,213.97)
RISK MANAGEMENT	12,529,918.64	887,992.92	1,298,410.24	12,119,501.32	12,410,001.91
PENSION	(11,462.17)	3,406,210.36	2,845,149.98	549,598.21	621,211.75
SCHOOL FUND	9,691,212.76	6,445,908.96	5,861,864.45	10,275,257.27	9,125,843.10
SCHOOL CAPITAL PROJECTS	7,064,832.77	1,787.03	88,728.80	6,977,891.00	9,660.24
SCHOOL FOOD SERVICE	352,789.62	525,014.58	551,216.25	326,587.95	763,477.30
FDCTC	78,225.94	111,203.09	141,649.48	47,779.55	25,200.35
GRANT	496,857.25	261,719.11	501,717.41	256,858.95	1,045,760.18
TOTAL	\$148,936,006.67	\$57,324,211.16	\$53,350,757.79	\$152,909,460.04	\$110,970,020.34

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE STATEMENT OF MY ACCOUNTABILITY TO THE CITY OF ROANOKE, VIRGINIA, FOR THE FUNDS OF THE VARIOUS ACCOUNTS THEREOF FOR THE MONTH ENDED JUNE 30, 2002.
THAT SAID FOREGOING:

CASH:

CASH IN HAND **\$510,365.72**
CASH IN BANK **1,218,307.29**

INVESTMENTS ACQUIRED FROM COMPETITIVE PROPOSALS:

COMMERCIAL HIGH PERFORMANCE MONEY MARKET **10,863,381.50**
COMMERCIAL PAPER **22,668,555.89**
LOCAL GOVERNMENT INVESTMENT POOL **26,936,565.91**
MONEY MANAGEMENT ACCOUNT **10,176,018.68**
REPURCHASE AGREEMENTS **15,000,000.00**
U. S. AGENCIES **9,856,361.11**
VIRGINIA AIM PROGRAM (U. S. SECURITIES) **55,679,903.94**
TOTAL **\$152,909,460.04**

DATE: JULY 9, 2002


DAVID C. ANDERSON, TREASURER

**CITY OF ROANOKE PENSION PLAN
STATEMENT OF CHANGES IN PLAN NET ASSETS
FOR THE 12 MONTHS ENDED JUNE 30, 2002
UNAUDITED**

	<u>FY 2002</u>	<u>FY 2001</u>
<u>Additions:</u>		
Employer Contributions	\$ 4,328,760	\$ 4,629,060
Investment Income		
Net Appreciation (Depreciation) in Fair Value of Investments	(32,023,041)	(20,887,170)
Interest and Dividend Income	<u>6,872,516</u>	<u>6,920,518</u>
Total Investment Income (Loss)	(25,150,525)	(13,966,652)
Less Investment Expense	<u>725,519</u>	<u>1,910,622</u>
Net Investment Income (Loss)	<u>(25,876,044)</u>	<u>(15,877,274)</u>
Total Additions (Deductions)	<u>\$ (21,547,284)</u>	<u>\$ (11,248,214)</u>
 <u>Deductions</u>		
Benefits Paid to Participants	\$ 14,927,914	\$ 13,034,370
Administrative Expenses	<u>336,287</u>	<u>308,581</u>
Total Deductions	<u>15,264,201</u>	<u>13,342,951</u>
Net Increase (Decrease)	(36,811,485)	(24,591,165)
 Net Assets Held in Trust for Pension Benefits:		
Fund Balance July 1	<u>326,337,980</u>	<u>350,929,145</u>
Fund Balance June 30	<u>\$289,526,495</u>	<u>\$326,337,980</u>

**CITY OF ROANOKE PENSION PLAN
BALANCE SHEET
JUNE 30, 2002
UNAUDITED**

	<u>FY 2002</u>	<u>FY 2001</u>
<u>Assets</u>		
Cash	\$ 541,276	\$ 582,332
Investments, at Fair Value	292,195,748	337,412,665
Employer Contributions Receivable	216,745	616,725
Accrued Investment Income	438,161	876,658
Other Assets	<u>5,785</u>	<u>5,434</u>
Total Assets	<u>\$ 293,397,715</u>	<u>\$ 339,493,814</u>
 <u>Liabilities and Fund Balance</u>		
Liabilities:		
Accounts Payable	\$ 116,435	\$ 176,136
Payable for Cash Collateral on Loaned Securities	<u>3,754,785</u>	<u>\$ 12,979,698</u>
Total Liabilities	<u>3,871,220</u>	<u>13,155,834</u>
Fund Balance:		
Fund Balance, July 1	326,337,980	350,929,145
Net Gain (Loss) - Year to Date	<u>(36,811,485)</u>	<u>(24,591,165)</u>
Total Fund Balance	<u>289,526,495</u>	<u>326,337,980</u>
Total Liabilities and Fund Balance	<u>\$ 293,397,715</u>	<u>\$ 339,493,814</u>

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

7.a.

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

July 15, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable William D. Bestpitch, Council Member
Honorable Linda F. Wyatt, Council Member

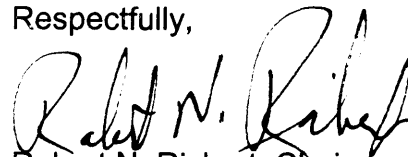
Dear Mayor Smith and Members of City Council:

Subject: Improvements to Kirk Avenue
(alley)

This is to formally request that City Council review the proposed changes to the streetscape for Kirk Avenue (alley) between Market Street and Williamson Road.

The Board understands that the City administration intends to extend the sidewalk treatment used in the block between Jefferson and Market, but does not intend to extend the stamping treatment on the black asphalt to Williamson Road. The Architectural Review Board feels that the application done on the Jefferson/Market Street sections was a highly successful improvement to the Market area and would recommend that it be extended to Williamson Road.

Respectfully,



Robert N. Richert, Chairman
Architectural Review Board

cc: Darlene L. Burcham, City Manager
Rolanda Johnson, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
R. Brian Townsend, Director, Planning Building and Development
Steven J. Talevi, Assistant City Attorney
Chris Chittum, Agent, Architectural Review Board

WMH

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the proper City officials to enter into a Deed of Lease Extension between the City of Roanoke and Roanoke Valley Swimming, Inc., for the lease and operation of certain City-owned property known as the Gator Aquatic Center, upon certain terms and conditions.

BE IT ORDAINED by the Council of the City of Roanoke that the City Manager and the City Clerk are authorized to execute and attest, respectively, on behalf of the City of Roanoke, in form approved by the City Attorney, a Deed of Lease Extension dated June 11, 2001, with Roanoke Valley Swimming, Inc., for the use and operation of certain City-owned property known as the Gator Aquatic Center, effective beginning June 11, 2001, upon such terms and conditions as are more particularly described in the City Manager's letter to this Council dated July 15, 2002.

ATTEST:

City Clerk.